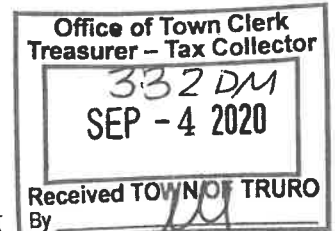




Town of Truro

P.O. Box 2030, Truro, MA 02666

Tel: 508-349-7004 Fax: 508-349-5505



ZONING BOARD OF APPEALS AMENDED Agenda

DATE OF MEETING: Thursday, September 10, 2020
TIME OF MEETING: 5:30 pm
LOCATION OF MEETING: Remote Meeting
www.truro-ma.gov

Open Meeting

This will be a remote meeting. Citizens can view the meeting on Channel 18 in Truro and on the web on the "Truro TV Channel 18" button under "Helpful Links" on the homepage of the Town of Truro website (www.truro-ma.gov). Click on the green "Watch" button in the upper right corner of the page. Please note that there may be a slight delay (approx. 15-30 seconds) between the meeting and the television broadcast/live stream.

Citizens can join the meeting to listen and provide public comment via the link below, which can also be found on the calendar of the Board's webpage along with the meeting Agenda and Packet, or by calling in toll free at [1-866-899-4679](tel:1-866-899-4679) and entering the following access code when prompted: [432-486-269](tel:432-486-269). Citizens will be muted upon entering the meeting until the public comment portion of the hearing. If you are joining the meeting while watching the television broadcast/live stream, please lower the volume on your computer or television during public comment so that you may be heard clearly. Citizens may also provide written comment via postal mail or by emailing the Town Planner at planner1@truro-ma.gov.

Meeting link: global.gotomeeting.com/join/432486269

Hearing materials can be found at the following web address:

www.truro-ma.gov/zoning-board-of-appeals/pages/cloverleaf-40b-application

Review of Comments

- Public Comments from Truro Planning Board
- Public Comment letter from Highland Affordable Housing
- Public Comment letter from Curtis Hartman

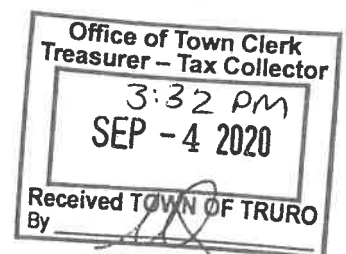
Public Hearing – Continued

2019-008 ZBA – Community Housing Resource, Inc. seeks approval for a Comprehensive Permit pursuant to G.L. c. 40B, §§20-23 to create 40 residential rental units, of which not less than 25% or 10 units shall be restricted as affordable for low or moderate income persons or families, to be constructed on property located at 22 Highland Road, as shown on Assessor's Map 36 and Parcel 238-0 containing 3.91 acres of land area.

- Peer Review and response
- Roof Line Revised Plans for solar panel/shingles installation
- Follow-up:
 - ♦ Truro Cloverleaf Rental Housing Property Management Plan
- Waivers

Public Comment

Adjourn



STAFF MEMORANDUM

To: Truro Zoning Board of Appeals
From: Barbara Carboni, Interim Town Planner/Town Counsel, KP Law
Date: September 9, 2020
Re: Meeting September 10, 2020 - Cloverleaf

2019-08/ZBA: Community Housing Resource, Inc., application for Comprehensive Permit under G.L. c. 40B, ss. 20-23, on property located at 22 Highland Road (continued public hearing)

Peer Review

Mark Nelson of Horsley Witten Group has submitted a third letter addressing (partially in response to John O'Reilly's August 14, 2020 letter), topics of wastewater system design and operation; stormwater management facilities; and site design. Mr. Nelson also discusses the topic of stormwater management during construction; in particular, with respect to erosion control. Mr. Nelson will attend the September 10, 2020 hearing to discuss the September 3, 2020 letter and to answer questions from the Board.

Applicant submittals

The Applicant has submitted:

- Building height calculations
- Floor plans and elevations
- Property Management Plan

Comment from Truro Boards and Committees

The Board has received additional submissions from the Planning Board, including comment on waivers requested by the Applicant; an illustration of proposed sidewalk design; and Approaches to Chapter 40B Design Review, a handbook produced by the Commonwealth's housing agencies.

Public Comment

The Board has received additional comment from individuals and organizations, including Highland Affordable Housing.

Taking stock/next steps

This is an appropriate point for the Board to determine whether it has sufficient information to start deliberating on the project.¹ If the Board determines it has reached this point, it may start discussing the Applicant's waiver requests. A separate memorandum addresses the waiver process and the Applicant's requested waivers, with staff comment. As an alternative, the Board may start with a more general discussion of the project, identifying issues or elements of particular interest, and then move on to a discussion of waivers.

As discussed in the waiver memo, if the Board elects to discuss waivers prior to voting to grant or deny a permit, this does *not* mean that the Board has already determined that a permit should issue. The discussion may be seen as determining what waivers the Board could find as "consistent with local needs" if it elects to grant a permit.

Future meeting dates

For discussion.

Extension

Although Chapter 53 of the Acts of 2020 suspended deadlines for board actions on permit applications (including G.L. c. 40B applications), the Board should obtain an extension from the Applicant of the period for public hearing.

¹ "Deliberations" meaning discussion of the application, but with the public hearing remaining open.

STAFF MEMORANDUM

To: Truro Zoning Board of Appeals
From: Barbara Carboni, Interim Town Planner/Town Counsel, KP Law
Date: September 9, 2020
Re: Waivers under G.L. c. 40B and Applicant's waiver requests

This memorandum has two parts. **Section I** contains guidance on the principles and process under which the Board decides whether to waive Bylaw and other local regulations as requested by the Applicant. **Section II** contains the Applicant's waiver requests, somewhat rearranged and edited for efficiency.

I. Waivers under G.L. c. 40B

Under G.L. c. 40B, ss. 20-23, the Zoning Board of Appeals *may*, but is *not required to* waive any Bylaw or other local regulation with which a proposed project does not comply. The Board may grant some waivers requested by the applicant, and deny others. With respect to each waiver requested, the Board must decide whether the waiver is "consistent with local needs." G.L. c. 40B, s. 20 defines "consistent with local needs" as:

"reasonable in view of the regional need for low and moderate income housing considered with the number of low income persons in the city or town affected and the need to protect the health or safety of the occupants of the proposed housing or of the residents of the city or town, to promote better site and building design in relation to the surroundings, or to preserve open spaces."¹

A shorthand version: reasonable when balancing *1) regional and local affordable housing need* and *2) public health and safety, contextual site and building design, and open space preservation.*

As a practical matter, certain waiver requests are central to the project, and if denied will effectively deny the project. For example, in this case, the Use Table in Section 30 of the Zoning Bylaw does not permit multifamily use as proposed, so if the project is to be approved, this Bylaw provision must necessarily be waived. But the Board must *first* determine whether waiver of this Bylaw to allow multifamily housing is "consistent with local needs."

The Board may grant a waiver in part, or to some lesser extent than requested by the applicant. For example, in this case, the Applicant requests approval for thirty-nine units of multifamily housing on a site of 3.91 acres. This requires waiver of the Zoning Bylaw's Lot Area requirement – which would limit development to five units (@33,750 square feet per

¹ In addition, "consistent with local needs" means "applied as equally as possible to both subsidized and unsubsidized housing."

dwelling unit), as well as waiver of the Use Bylaw discussed above. The Board may waive these Bylaws to allow a multifamily development of fewer than thirty-nine units – in effect, granting the waiver in part, and denying it in part. (This may also be viewed as imposing a condition limiting the development to a specific density). It is within the Board’s authority to do so *only if* it finds that the project at the density requested (39 units) is not “consistent with local needs.”

Where a Board is inclined to deny a waiver, in part or in whole, there is typically discussion with the applicant regarding the impact of such denial on the project. (This is one reason why public hearing is left open, so that both the applicant and the public may comment on waivers). The applicant may make the case that the project would be rendered “uneconomic” by the waiver denial. In such case, the Board is entitled to ask the applicant for a project *pro forma*, which the Board may then consider in deciding whether to grant or deny the waiver.² This process also applies to the Board’s consideration of any conditions to impose on the project. The Board need not request a *pro forma*, and many G.L. c. 40B projects are permitted and conditioned without this step.

Input on waivers

G.L. c. 40B, s. 21 states that the Board, “in making its decision on [the] application, shall take into consideration the recommendations of the local boards and shall have the authority to use the testimony of consultants.” This directive applies to the Board’s review of the applicant’s waiver requests. Where Town boards or departments, or the Board’s peer reviewer have made recommendations regarding waivers, the Board must consider these recommendations. The Board may also consider recommendations expressed by members of the public. Ultimately, however, it is up to this Board whether to grant or deny any waivers.

Why discuss waivers now?

Finally, it is reasonable to ask whether the Board can, or should be considering waiver requests before it has voted on whether to grant a comprehensive permit. The answer is that waivers are such a significant part of a G.L. c. 40B permit that it is helpful to review them up front. If the Board is inclined to deny a waiver, this gives the applicant the opportunity to address any issue raised by the Board and potentially modify the project – or to make a case that the denial would render the project uneconomic. In short, it allows for potentially useful dialogue.

If the Board elects to discuss waivers prior to voting to grant or deny a permit, this does *not* mean that the Board has already determined that a permit should issue. The discussion may be seen as determining *what waivers the Board could find as “consistent with local needs” if it elects to grant a permit.*

² The *pro forma* may be subject to peer review if the Board so desires. Note that “uneconomic” is a G.L. 40B term of art, and it is up to the subsidizing agency to set profit limits. The Board cannot apply its own definition of what is an appropriate return.

II. Applicant's Waiver Requests

I have edited and rearranged the Applicant's waiver requests in a way I hope lends itself to efficiency and logic. Of course, if the Applicant wishes to present waiver requests in the manner/order originally submitted, that should be respected. I have started with the most essential waivers.

Relief (Waiver) from Truro Board of Health Regulations

Article 14: Nitrogen Loading Requirements

Relief from specific requirements of Article 14 of the Truro Board of Health regulations in excess of MA DEP Title 5 regulations is requested. Article 14 provides:

"The Truro Board of Health hereby requires that all properties within the Town of Truro meet the loading restrictions set forth in 310 CMR 15.214 and contain at least ten thousand (10,000) square feet of Buildable Upland (as defined in Article 1 hereunder) for every 110 gallons per day of design flow and that all systems designed to serve said facilities meet the same restrictions and requirements contained in Title 5 as the "Nitrogen Sensitive Areas" defined in 310 CMR 15.215 irrespective of whether the properties are located within "Nitrogen Sensitive Areas" as so defined."

Comment: The Board's peer reviewer, Mark Nelson of Horsley Witten Group, has noted that this regulation limits the wastewater flow on a property to 440 gallons per day per acre (builder's acre of 40,000 square feet). The Cloverleaf site contains a total of 3.91 acres or 170,320 square feet. Under Article 14, the maximum wastewater discharge would be 1,874 gallons per day. The proposed system for this project has a design flow of 7,480 gallons per day. Waiver of this regulation would be required to allow the discharge in excess of 1,874 gpd.

The Board's peer reviewer found that the Applicant's original wastewater disposal system did not comply with Title 5 or Article 14 of the Truro Board of Health regulations. The Applicant then submitted a revised proposal utilizing a proprietary treatment system. Mr. Nelson's second letter, dated July 6, 2020, reviews the system proposed and contains his discussion of this waiver request. Mr. Nelson is available at the Board's September 10, 2020 hearing to address the Board's questions on the proposed system and concerns raised with respect to private wells downgradient from the site.

Relief (Waivers) from Truro Zoning Bylaw

Section 30: Use Regulations

Only single-family residential use is permitted in the Residential District; therefore, relief is requested to allow multi-family and two-family residential use.

Relief is also requested to allow On-Site Management Office, Community Room or Storage uses as part of the multi-family building uses. These are not permitted Accessory Uses in Residential District.

Comment: straightforward.

Section 40.6: Growth Management

This section limits residential building permits issued within any calendar year to 40, and further limits the total number to any one applicant to 4. Section 40.6.C.1 does provide for exemptions for “construction of affordable housing units provided such housing units have deed restrictions to ensure they remain affordable for the maximum period permitted under Massachusetts Law” however the definition of “Affordable Housing” in the bylaws refers only to housing certified as affordable by the Truro Housing Authority. The definitions in the Zoning Bylaw also defines “Affordable Households” as households earning no more than 80% of the AMI as determined by DHCD. These definitions are potentially contradictory with the mixed income nature of this rental housing development. Therefore, relief from this Growth Management section is requested to exempt all rental units in the development including the units that have deed restrictions up to 110% AMI and the unrestricted Market Rate units, so that building permits can be issued at once.

Comment: Section 40.6.B references and limits permits for “single family dwelling units” only, so does not speak to duplex and multifamily buildings of this development, but the Applicant is correct to include this as a waiver request due to principle of Growth Management. Applicant should explain the above detail as needed.

Section 50: Area and Height Regulations

The Applicant seeks waivers from this Section’s dimensional requirements.

Section 50.1.A. Minimum Lot Size

The Applicant suggests that the project satisfies the requirement of this section (33,750 square feet) because it contains 170,320 square feet, and therefore does *not* require a waiver.

Comment: I view this project as requiring a waiver of the lot area minimum, because this dimensional control it is aimed at density. Under the lot area minimum of 50.1.A, only five lots/dwelling units would be permitted on a parcel of 170,320 square feet; 39 dwelling units would require 39 x 33,750 square feet.

Section 50.2: Building Gross Floor Area

The Applicant seeks relief from Section 50.2 regarding Building Gross Floor Area, “if applicable.” The Bylaw would limit Total Gross Foot Area of new construction on the project site to approximately 14,672 (3,668 square feet x 4 acres) as of right, or 18,672 (4,668 square feet x 4 acres) by special permit.

Comment: Bylaw applicable and requires a waiver, where the total Gross Floor Area of the project exceeds 18,672 square feet. It would be preferable for the Applicant to

identify the total Gross Floor Area so that the Board may waive the specific area in excess of the Bylaw.

Section 50.1.A Table (Dimensional Requirements)

The Applicant has submitted the following table based on Section 50.1.A:

Section 50 Area and Height Regulations:

Dimensional Requirements	Required	Provided
Minimum Lot Size:	33,750 sq. ft.	170,320 sq. ft.
Minimum Lot Frontage:	150 feet	209.61 feet
Minimum Frontyard Setback	25 feet	142 feet (rev 7.9.2020)
Minimum Sideyard Setback	25 feet	see chart for buildings requiring waivers**
Minimum Backyard Setback	25 feet	42 feet provided
Maximum Building Height	2 stories; 30 feet	see chart for buildings requiring waivers**

The Applicant has submitted the following additional table, which breaks waiver requests with for setbacks and building height/stories by project buildings:

Relief Required Building Number	Minimum Sideyard Setback – 25 feet Required	Maximum Building Height (definition of building height to ridge above existing grade) – 30 feet maximum	number of stories – two story maximum
1-3	conforming at 40.8 feet	conforming at 21.7 feet	conforming at two stories
5-7	**waiver required for setback at 12.3 feet	conforming at 24 feet	conforming at two stories
2-4	conforming at 91.2 feet	conforming at 28 feet	conforming at two stories
6-8	conforming at 34.2 feet	conforming at 28.5 feet	conforming at two stories
9-11	conforming at 33.3 feet	conforming at 24 feet	conforming at two stories
13-15	**waiver required at 24 feet to foundation excl. egress porch	conforming at 22.5 feet	conforming at two stories

10-12, 14-16, 18-20	**waiver required at 20' to foundation excl. egress porch	conforming at 26 feet conforming at 25.25 feet conforming at 27.25 feet	conforming at two stories conforming at two stories conforming at two stories
17-19	**waiver required at 14.8 feet to foundation excl. egress porch	conforming at 24.5 feet	conforming at two stories
22-24 23-25	conforming at 51.5' **waiver required at 14.6 feet to foundation	**waiver required at 36'11" **waiver required at 31'11" due to fill placed at rear of site above existing grade; appears 24'8" at roadway	**waiver required at three stories; definition of basement in terms of foundation exposure on more than one side will classify this basement as a third story; relief required
21	conforming at 61' west side and 40' east side	**waiver required at 41'5"; definition of building height above existing grade; visible height from road is 30'3" as compared to smaller structures at 26'6"	**waiver required at three stories; definition of basement in terms of foundation exposure on more than one side will classify this basement as a third story; relief required

Comment: These tables should be reviewed and discussed in conjunction with site plans and elevations. The building heights and waivers requested for buildings 21, 22, 23, 24, 25 should be more fully described.

Section 30.9 Parking

Section 30.9 requires two parking spaces per dwelling unit. The Applicant contends that this requirement is met, stating that under this standard, 78 spaces are required [for 39 units], and 81 spaces are provided.

Section 30.9.C. Off Street Parking Schedule, provides in part that "in determining the number of spaces required only delineated spaces which are not obstructed shall be calculated."

The Planning Board has suggested that there are "at least 10 obstructed spaces" on the proposed plans and therefore an insufficient number of spaces provided. See comment letter dated July 28, 2020; see also comments dated September 4, 4020 ("at least 11). I believe the applicant's team

characterized these spaces as “tandem.” The Planning Board also suggests that the Management Office and Community Room visitor uses require additional spaces.

Comment: The Board may determine the meaning of the Bylaw language and implications for the applicant’s proposed number of spaces. If the Board finds that the number of parking spaces does not meet the Bylaw requirement, it may consider a (partial) waiver of the requirement.

Section 70: Site Plan Review

Applicant’s presentation (condensed): Applicant is presenting a site plan, landscape planting plan and site lighting plan that incorporates many Site Plan Review requirements. Applicant seeks relief from the requirements of Site Plan Review procedures and requirements; and, to allow the Comprehensive Permit to be issued in lieu thereof. Information is provided as to Soil Removal Calculations. The applicant will comply with the requirements of the Site Plan Review, Section 70 of the Zoning Bylaws, as indicated in the submitted Commercial Site Plan Review Checklist. The applicant has submitted the Checklist and questionnaire as evidence of substantial conformance with the Procedures and Plan Requirements of Site Plan Review. Relief is requested from requirements, if any, to post a bond, cash, Letter of Credit, or impose Planning Board Covenants, related to site development.

Comment: Under G.L. c. 40B, a separate Site Plan Review process cannot be required; in practice, this Board’s review of the comprehensive permit application substitutes for Site Plan Review. As previously discussed, given the scale of this development and its impacts, the Board may wish to consider the features and review criteria found in the Site Plan Review Bylaw (Section 70.4 D). The Board may waive any procedural or substantive requirement of site plan review. Consistent with advice regarding performance bonds under Subdivision Rules and Regulations, I do not recommend waiver of the performance guarantee provisions of the Site Plan Review Bylaw.

Relief from Subdivision Rules and Regulations

Comment: Although the project is not a subdivision, it is residential development of a scale and impacts consistent with those of a subdivision. For this reason, many of the standards contained in the Rules and Regulations should be considered applicable to the project, and where noncompliant, waivers should be requested and considered by the Board. Section 3, Design Standards and Section 4, Specifications for Construction of Roads, and Appendix 2, Table 1 (Recommended Geometric Design Standards) are of particular importance.

Applicant’s presentation: The applicant will comply with the intent of the Subdivision Control Regulations with the exception that the applicants requests the waiver of the Planning Board role and this review be made by the Zoning Board of Appeals as part of the Comprehensive Permit under MGL Chapter 40B. In addition, specific relief / waiver is requested:

Roadway Standards (Section 3.6)

- Adjacent Properties: Access road is within 25 feet of side line, adjacent to Unit 21 (east), 13 feet provided, 25 feet required. (Section 3.6.7)
- Design standards for Appendix 2 – Table 2 - Type C
 - Roadway Width (not including berms):
Loop Road, 14 foot travel way, with 1 foot berms provided (one-way traffic)
 - Radius at centerline of street
 - 290 feet required, 100 feet provided at Highland Road entrance; 50 feet provided within the site,
 - Maximum Grade:
 - 8% Maximum, Main Access Road 10% proposed
 - Curb Cut Radius:
 - 30 feet required; 30 foot radius provided on main access road – exit lane
 - Dead-end Street:
 - 1,000 feet maximum; loop roadway is 1,060 feet +/- long

Specifications for Construction (Section 4)

- 4.1.8 Berms: 18 inch berms required; 12 inch berms proposed
- 4.1.10 Vegetation: Trees within the proposed limit of work line shall be removed as needed to allow for the construction of the development, beyond the edge of clearing for the roadway.
- 4.2.4 Drainage Treatment: Vegetated swales WILL be incorporated into drainage facilities; TWO larger vegetated swales included on the project and two small drainage facilities do not incorporate swales due to site constraints.

Comment: Section 2.5.4 (c) of the Rules and Regulations requires a performance guarantee in the form of a bond, deposit, or covenant to secure construction of ways and installation of municipal services. The Applicant requests waiver of “any requirement. . . to post a bond, cash, Letter of Credit, or impose Planning Board Covenants, related to site development.” I recommend against waiver of the requirement of a performance guarantee.

Comment: Additional provisions of these Rules and Regulations may be identified during the remainder of the Board’s review of the project as applicable and requiring waivers.

General Bylaws

Chapter 1, Section 8: Soil Removal

Applicant’s presentation [condensed]: The applicant will comply with the requirements of this Section with the exception that the applicant requests waiver of the requirement that the Permit for Soil Removal be obtained from the Building Commissioner, and that the Permit for Soil Removal, with any conditions imposed, be issued by the Zoning Board of Appeals as part of the Comprehensive Permit. The attached documentation of the amounts of Soil Removal from the

Site as well as the amounts of Cut and Fill has been prepared by Williams Building Company and are revised to reflect plan changes as currently redesigned.

CUT & STOCKPILE: 1,280 cubic yards
CUT groundcover and “duff layer” for reuse
CUT & FILL: 7,793 cubic yards
CUT from elevation 55’ to 62’ at center (east) of site;
FILL at rear (north east) of site elevation 36’ to 46’
EXCAVATE & BACKFILL: 5,122 cubic yards for building foundations
CUT & REMOVE: 8,918 cubic yards
CUT from access roadway and CUT from elevation 55’ to 62’
REMOVE / EXPORT from site

Also, the Applicant seeks relief from the provision that the Town may require a bond, certified check, or other security to insure compliance.

Comment: Under G.L. c. 40B, a separate permit cannot be required for the earth removal involved in this project, but the Board may secure, through a permit condition requiring administrative review, compliance with any reasonable standards and conditions that would be applied to a non-40B project.

Curb Cut Permit Procedure:

Applicant’s presentation: The Applicant requests that the Comprehensive Permit substitute for Curb Cut Permit from the Town of Truro. MA DOT Curb cut Permit is being sought by Truro DPW.

Comment: Applicant to clarify whether this addresses Highland curb cut and/or Route 6 emergency access curb cut; DPW to confirm this is part of Town’s portion of project.

Umbrella/catch-all waivers

Applicant’s presentation: The Applicant seeks relief from the Truro General Bylaws and Other Regulations, as follows:

Relief is requested from any other zoning bylaw, general bylaw or regulations or procedures that may be identified in the review process if full compliance is not physically or economically feasible.

Relief is requested from the applicability of such other sections of the Zoning By-law, the Subdivision Control Regulations, or of such other local rules and regulations that would otherwise be deemed applicable to this development.

Comment: I recommend no relief be granted in response to these requests. Any relief sought should be specifically identified and considered by the Board.

Applicant's presentation: Relief is requested from any requirements for paying fees for any regulatory review or for any permits related to the development of this project, including but not limited to fees for building permits and septic system installation permits.

Comment: The Board may request that the fees to be waived be estimated, so that the value/cost of this waiver is known and may be considered. The Board may in the alternative grant the relief as requested.

The Applicant has also included in its waiver request documents discussion of certain General Bylaws with which the project will comply and no relief is required or requested.

Chapter IV, Section 3: Handicapped Parking (no waivers requested)

Applicant's presentation [condensed]: The applicant will comply with the requirements of this Section, which requires all off-street public or private parking areas used by the public to provide reserved parking spaces for vehicles which bear an HP plate or placard or Disabled Veteran plate. Pursuant to 4-3-1, 4-3-2 the Cloverleaf development (designed with 81 spaces) will provide 4 designated accessible parking spaces with 5' wide unloading areas, 2 of which will be a pair of 10 foot wide spaces sharing a common aisle of 5 feet in width. In addition, two spaces are designated as "Lift Van Accessible", 12 feet wide by 20 feet long with cross hatched access aisle of 8 feet wide allowing a van to operate a lift.

Comment: As Applicant notes, this Section references and implements state law (no waiver permitted).

Chapter IV, Section 6: Outdoor Lighting

Applicant's presentation [condensed]: The applicant will comply with the requirements of this Section. The applicant has provided post and wall lighting fixture "tear sheets" that comply with "Night Sky" requirements and will also limit illumination LED bulbs to maximum 75 Watt equivalent.

Comment: Conditions may be included in a decision addressing any particular concerns.



Planning Board

Town of Truro

24 Town Hall Road
Truro, MA 02666
(508) 349-7004

Date: September 4, 2020
To: Truro Zoning Board of Appeals
From: Truro Planning Board
Re: Cloverleaf Truro Rental Housing Comprehensive Permit Application

The Truro Planning Board (hereafter Board) submits these comments to the ZBA to help inform their decisions on the proposed Cloverleaf Project. This letter addresses the highest priorities and most pressing concerns of the Planning Board. We also bring to the ZBA's attention a document that we recently identified and believe to be helpful. This document, Handbook: Approach to Chapter 40B Design Reviews, was developed by the 4 Massachusetts Housing agencies authorized to review and approve site eligibility for Chapter 40B affordable housing developments. We are sharing this with you in the hope that is useful as you continue to move through this complicated process. The Handbook contains checklists as well as specific criteria for project evaluation. Two of the more relevant sections are: Section 1: Purpose (pages 1-2) and Attachment B: Guidelines for Reviewing Design (pages 29-31), especially Parking & Access pages 30-31). The document is attached and the link to the document on the Commonwealth of Massachusetts website is below.

<https://www.mass.gov/files/documents/2017/10/16/handbook-approachtoch40b-designreviewa.pdf>

We are available for further conversation with the ZBA to clarify or expand on the items listed here as well as other waiver requests or issues.

HEALTH & SAFETY CONCERNS

Sidewalks

1. The current plan does not provide a safe pedestrian path from Highland Road to the units in the development, except for Buildings 1-3 & 5-7. Nor is it possible to walk on the sidewalk all the way around the development.
 - a. According to the Landscape Plan a pedestrian would need to cross the roadway 1 or more times to get from Highland Road to any building except Building 1-3 & 5-7 using the sidewalk.

- b. For many buildings, including all the buildings surrounding the oval, except 1,2,3, there is no sidewalk outside the building. Residents would have to walk in the roadway, cross the roadway to find the sidewalk or walk on seeded/snow storage areas and cross driveways,
2. If the sidewalk down to Highland Avenue is snow or ice covered, the pedestrians will be forced to walk on a street that is steeper than allowed in the Truro Zoning Regulations.
- 3: An illustration is attached that shows how a sidewalk could be constructed that would completely encircle the property.

Parking

There is no Parking Plan provided. This information is based on parking shown on the Landscaping Plan.

1. The current plan shows at least 11 obstructed spaces. In an emergency this is a significant safety concern.
2. Approximately 20 spaces back directly onto street at a 90-degree angle. If this were a parking lot, the driving lane to back out into would be required to be 24' wide. In this case the proposed roadway is proposed as 16,' plus 2 12" berms. For context here are the lengths of 2 common vehicles: Honda CR-V 16'-17' long; Ford F150 pickup truck 17'6"-20'8 inches.
3. On both sides of the "oval" there is parking adjacent to both sides of the street. In the event of a blockage of the street; delivery vehicle, accident, breakdown, etc. access for emergency vehicles will be delayed or prevented.

Wastewater

We support the Board of Health members who have thus far kept our water resources safe. The complications denoted in the Weston & Sampson report of 2014 identified 'hot spots', the continuing runoff problem from Route 6, and the density proposed on the Cloverleaf project pose many potential problems and we support the Board of Health in their decisions in this matter.

Density The density on this site is the source of many health & concerns and challenges including, but not limited to wastewater and parking. The RFP was for 30-40 units, however the ZBA is not bound by the numbers in the RFP and could consider an even lower number of units. The Planning Board strongly supports the ZBA discussing a potential reduction in the number of units to address these concerns.

PROTECTION FOR TRURO & TRURO RESIDENTS

The Planning Board strongly recommends:

1. Denial of request for waiver of requirement to post a bond, cash, Letter of Credit, or impose Planning Board Covenants, related to site development. This is a protection for the Town and the future residents of the Cloverleaf and is required for a

subdivision of any size.

2. Denial of the following waiver requests – they are too broad. The Applicant should identify specific regulations he is requesting a waiver of.

- Relief is requested from any other zoning bylaw, general bylaw or regulations or procedures that may be identified in the review process if full compliance is not physically or economically feasible.
- Relief is requested from the applicability of such other sections of the Zoning By-law, the Subdivision Control Regulations, or of such other local rules and regulations that would otherwise be deemed applicable to this development.

IMPORTANT ADDITIONAL INFORMATION AND WAIVER REQUESTS

Parking -

1. The Applicant needs to request a waiver of Truro Zoning Bylaws Section 30.9. The parking indicated on the current landscape plan does not meeting the requirement of Section 30.9 of the Zoning Bylaws including:

- an inadequate number of parking spaces
- inclusion of obstructed spaces, which do not count in the number of spaces according to Truro Zoning Bylaws

2. In order to assess a request for a waiver of the Parking Regulation the Applicant should supply the ZBA with a Parking Plan that indicates at minimum: the assignment of spaces to specific units, the Management Office, Visitor Parking and Handicapped Parking; as well as the dimensions of the spaces. Only once this Parking Plan is received can the ZBA adequately assess the request.

Wastewater/Stormwater

The Horsley Witten Letter of September 3, 2020 notes the need for more specific information about erosion control and stormwater management. This information is needed “to ensure site stability both during and after construction.” We recommend that the ZBA confirm that all information noted as lacking has been provided before making a decision on the application.

Cross Sections of Property

The visual impact of all buildings grouped together, as well as the visual impact of the buildings along Route 6, are just as important as the visual impact of individual buildings. Currently it is impossible to adequately assess the visual impact of the proposal with the information provided. Several cross-section diagrams of the property will provide the ZBA with critical information the ZBA should have as it makes its decisions. If the Town of Truro will be responsible for snow plowing &/or road maintenance this information is even more important. At minimum 2 cross sections of the property showing both roadway and buildings are needed.

These will provide both a front to back and a side to side profile of the project. A roadway and parking profile is a required part of Site Plan Review.

1. Cross Section running from the front of the site at Highland Road to the back boundary. This will allow the ZBA to better assess:
 - the grade of the entrance roadway and the walkway and its potential impact safety issues including:
 - Snow & ice concerns on roadway & walkway
 - Potential runoff onto Highland Road
 - The height of a number of the building and the oval as compared to Highland Road
2. Cross section running from the side closest to Route 6 across to the far side at the level of the oval which will allow ZBA to:
 - See the elevation of structures in relation to Route 6 and better assess impact of road noise and dust hazard. At the site visit the road noise was significant throughout the site. Would a berm provide mitigate these issues for Cloverleaf residents?
 - The height of a number of buildings in relation to Route 6 which will aid in assessing the visual impact.

As the ZBA works to shape the Cloverleaf project to be the best project for Truro we encourage you to review this application in the context of Truro's Local Comprehensive Plan (LCP), approved overwhelmingly at Town Meeting. Addressing the need for affordable housing is an integral part of this LCP, but not the only integral goal. In the Executive Summary it states, "Truro's greatest treasure is the rural character we have preserved." (p 5) The challenge for the ZBA today is the same as that identified In the Vision section the Plan "The challenge for the town is to retain the elusive 'Rural Character' and to accept change at the same time – or better yet to shape that change towards a common vision of Truro's future. (p 14) The Board should balance the need for affordable housing against concerns for public health, safety, preserving rural character and protecting water resources.

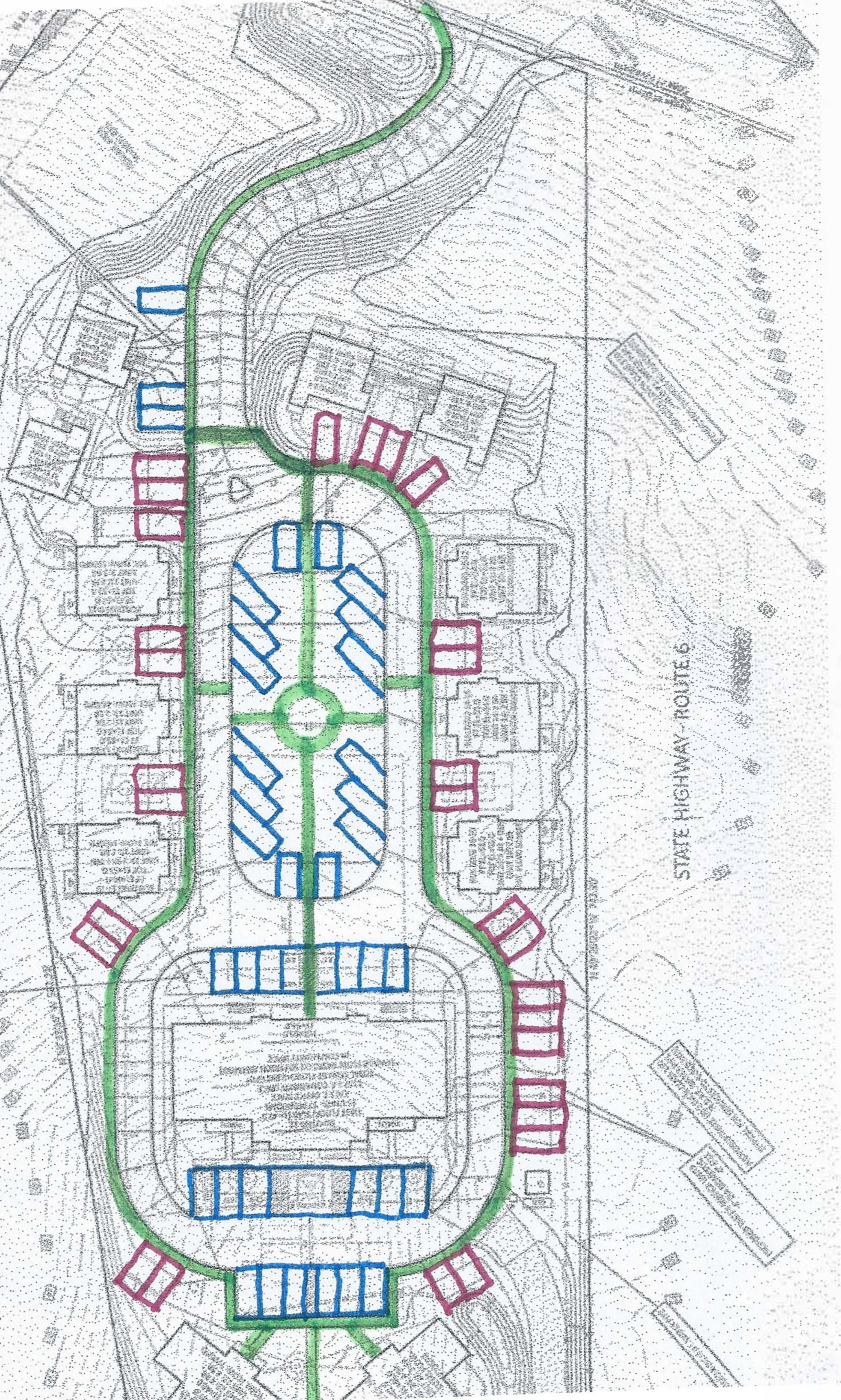
Thank you for your work on this important and complex project.

Anne Greenbaum
Chair – Truro Planning Board

SIDEWALK - GREEN - CONTINUOUS

PARKING - Not Moved

PARKING - Moved





Canton Village, Canton



Oxbow Road, Wayland

HANDBOOK: APPROACH TO CHAPTER 40B DESIGN REVIEWS



Chocksett Crossing, Sterling



Residences at Canal Bluffs, Bourne



Treehouse at Easthampton Meadow, Easthampton



Waverly Woods, Belmont

Prepared for:

Massachusetts Department of
Housing and Community Development

MassDevelopment

Mass Housing

Massachusetts Housing Partnership

Prepared by:

The Cecil Group, Inc.

January 2011

Dear Reader,

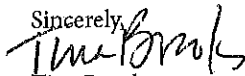
The 40B Design Handbook is a result of a collaborative process of the four Massachusetts housing agencies that are authorized to review and approve site eligibility for Chapter 40B affordable housing developments.

This handbook is a reflection of these agencies and their commitment to ensuring that 40B affordable housing developments adhere to high standards of site and building design that enhance the quality of life for residents and the communities in which they reside.

Chapter 40B has a long history of success in Massachusetts. Enacted in 1969, it is credited with having produced over 58,000 units of housing for owners and renters, seniors and families, special needs households and veterans.

This handbook strives to create a shared language and vision of well-designed housing in order to create models of success for future developments to follow. Affordable housing is an art as well as an industry and we are committed to marrying the two.

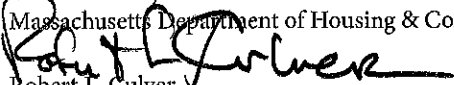
Sincerely,



Tina Brooks

Undersecretary

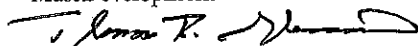
Massachusetts Department of Housing & Community Development



Robert L. Culver

Executive Director

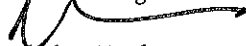
MassDevelopment



Thomas R. Gleason

Executive Director

MassHousing



Clark L. Ziegler

Executive Director

Massachusetts Housing Partnership

TABLE OF CONTENTS

Section 1: Purpose	1
Section 2: Requirements for Design Review	3
c.40B Regulations on Design Elements	3
c.40B Guidelines on Design Review	4
Section 3: Design Review Recommendations	5
A. How Design Fits Into the Site Eligibility Review Process	5
B. Design Terms and Phrases Explained	6
C. Application Materials.....	15
D. Checklist Review Procedure	19
Initial Project Review: Design Elements Checklist	20
Checklist of Design Options for Integration into Existing Development Patterns	22
Attachment A: Key Design Issues	25
Attachment B: Guidelines for Reviewing Designs.....	27
Architectural Treatments	27
Modulating Building Mass, Scale and Bulk.....	27
Environmental Resources.....	28
Parking and Access.....	28
Buffering Techniques	29
Attachment C: Reference Materials and Resources	31
Subsidizing Agency Web Sites.....	31
Online Maps and Aerial Photos.....	31

Figures

Figure 1: Building Massing and Scale.....	6
Figure 2: Elevations of Different Building Types.....	7
Figure 3: Range of Building Types	8
Figure 4: Conceptual Site Plans Over Aerials.....	9
Figure 5: Aerial Photograph - Belmont, MA	10
Figure 6: Development Using Topography and Vegetation as Buffer	11
Figure 7: Surrounding Context - Ground Level Perspective	12
Figure 8: Surrounding Context - Aerial Perspective.....	13
Figure 9: Elements for Consideration of Relationship to Adjacent Buildings and Streets	13
Figure 10: Settlement Patterns.....	14
Figure 11: Conceptual Site Plans.....	16
Figure 12: SketchUp Concept Plans - Use of 3D Modeling Software to Illustrate Project and Context.....	18

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Fig 5 – MassGIS	Attachment A – MHP, The Cecil Group

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Section 1:

PURPOSE

The Chapter 40B Design Principles Handbook (Handbook) was created to provide information and guidance for the design review process undertaken by the agencies subsidizing c.40B affordable housing projects in Massachusetts. Design review is necessary when evaluating new c.40B housing developments for consistency with the requirements of the c.40B regulations in terms of use, site planning and building design.

The reason for creating this Handbook is that certain changes were recently made in the Chapter 40B program regarding review criteria for the siting and design of projects. These design elements are listed in the implementing regulations found at 760 CMR 56.04(4)(b) and (c). Using a list of criteria, the sections require findings:

“that the site of the proposed Project is generally appropriate for residential development” and, “that the conceptual project design is generally appropriate for the site on which it is located”

The c.40B Guidelines prepared by the Department of Housing and Community Development further define the reasons for this Handbook in the design review process for c.40B projects, specifically to:

“...draw attention to factors that are of particular importance when introducing a Project into existing surroundings, encourage a uniform perspective among Subsidizing Agencies, and to create a more transparent review process...”

This Handbook provides some suggestions for applying these program standards and goals in the early stages of the design process. The Handbook provides information for non-designers when making findings of conformance with the review criteria and requirements for the project proposals. The Handbook includes:

- A glossary (Section 2, pg. 3 and Attachment A, pg. 25) to describe and help clarify the terms and criteria included in the regulations and guidelines, and how the terms may be applied in the design review process;
- Typical submissions (Section 2, pg. 3) that convey a sufficient level of information for the reviews; and
- A recommended process (Section 3, pg. 5) for reviewing the design criteria of projects submitted for eligibility reviews, including recommendations on the content and form of the applications.

While this handbook is intended for the Subsidizing Agencies and the individuals who perform the design reviews under the regulations, the content will also inform Project proponents submitting Projects for Site Eligibility. However, this is only a recommended approach and each of the Subsidizing Agencies will determine their specific requirements for the design review. Those not involved in the design or review processes may use this information to understand the criteria that are considered by the Subsidizing Agencies in the review process.

The Handbook intentionally does not provide specific guidance on density, typically represented as units per acre, because the acceptable density of a given housing development is site- and context-specific. This Handbook instead suggests that the site and building design, not the numerical density, determines if a development is “generally appropriate for the site.” In some instances, a proposed development may contain more units than a site can reasonably accommodate. In those instances, the reviewing subsidizing agency may reject a proposed development that it determines to be inappropriate or make a determination that results in modifications of the project by the sponsor, including a reduction in size.

Section 2:

REQUIREMENTS FOR DESIGN REVIEW

Subsidizing Agencies, the primary audience for this Handbook, are responsible for determining Site Eligibility. Site Eligibility determinations are typically the first step for a c.40B Project and are completed with the issuance of a Project or Site Eligibility Letter. The Project or Site Eligibility Letter allows the Project to then be reviewed under a Comprehensive Permit process with the local zoning board of appeals.

A review of the project design is included in this step and is required to complete the Findings before determining Site Eligibility. Recommendations on the means to analyze a Project design that integrates the Project into the existing development patterns have been provided in the c.40B Regulations and Guidelines, as summarized below.

c.40B Regulations on Design Elements

The implementing regulations for the law are found in 760 CMR 56.00. Within section 56.04(4) of those regulations, entitled Findings in Determination, there are a number of terms to consider related to use and design. The relevant subsections read as follows:

“(b) that the site of the proposed Project is generally appropriate for residential development, taking into consideration information provided by the municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, such as inclusionary zoning, multifamily districts adopted under M.G.L. c.40A, and overlay districts adopted under M.G.L. c.40R, (such finding, with supporting reasoning, to be set forth in reasonable detail);

“(c) that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns (such finding, with supporting reasoning, to be set forth in reasonable detail);”

The regulations at subsection (b) frame the considerations for the choice of a site for the Project. Using this standard, the determination of consistency should be defined as a general allowance for residential development. The regulations at subsection (c) then consider the Project design which at this early stage is a ‘conceptual project design.’ The Project design elements considered here include the use (expected to be predominantly residential), the building in terms of massing, site conditions defined by topography and environmental resources, and the Project’s ‘integration into existing development patterns.’

The c.40B Guidelines that were drafted to meet the goals stated in the Introduction to this Handbook define the ‘context’ of a Project by elaborating on the relationships with adjacent buildings and streets, as described in the next sections.

c.40B Guidelines on Design Review

The c.40B Guidelines prepared by DHCD (revised as of July 30, 2008) suggest approaches for applying the regulations with some additional terms and phrases in section 3. Findings, Design (760 CMR 56.04(4)(c)):

“Relationship to Adjacent Building Typology – Generally, a Project is developed in the context of single family dwellings and introduces a different form of housing into the neighborhood. Assuming that this is the case, it is important to mitigate the height and scale of the buildings to adjoining sites. In this context, it is particularly important to consider the predominant building types, setbacks, and roof lines of the existing context.

- The massing of the Project should be modulated and/or stepped in perceived height, bulk and scale to create an appropriate transition to adjoining sites.
- Where possible, the site plan should take advantage of the natural topography and site features, or the addition of landscaping, to help buffer massing.
- Design may use architectural details, color and materials taken from the existing context as a means of addressing the perception of mass and height.

Relationship to Adjacent Streets – Likewise, the manner in which the buildings relate to adjacent streets is critically important. Massing should take into account the pattern of the existing street frontage as well as maintain a human scale by reasonably relating the height of buildings to the width of the public way.”

These elements form the criteria under which the design review process is executed. The next sections provide an approach for completing the reviews including the sequential steps for the review, further define the terms used in the process and provide the forms for consistent applications.

Section 3:

DESIGN REVIEW RECOMMENDATIONS

The recommendations of this Handbook are for the Subsidizing Agencies to follow common approaches in the reviews to promote a consistent design review process. For this purpose we will review:

- A. How Design Fits into the Site Eligibility Review Process (pg. 5),
- B. Design Terms and Phrases Explained (pg. 6),
- C. Suggested Information, to be supplied for the review (pg. 15),
- D. Suggested Checklist Review Procedure, with checklists (pg. 19).

Each of these is further described in the following sections.

A. How Design Fits Into the Site Eligibility Review Process

The initiation of the Project/Site Eligibility process starts with an application for Site Eligibility by a Project proponent submitted to one of the Subsidizing Agencies. The content of that application is governed by the existing agency requirements.

Note that while much of the regulatory criteria may be determined from a desktop review in the office and a checklist is recommended here to ensure the design elements are addressed, a site visit is highly recommended to understanding the context of the Project site from an on-the-ground perspective.

Requests for additional design information at this time could include further descriptions of the means to address elements of the design and other supplemental information listed in the application requirements. However, detailed suggestions on design can be incorporated into the next stages of the project design process after agency review and after a comprehensive permit is issued and do not need to be fully addressed at this stage. These additional recommendations may be included in the Project Eligibility Letter.

For successful projects, issuance of the Project Eligibility Letter is followed by the local permitting phase. With successful completion of the Comprehensive Permit the Project eventually goes back to the agency which is subsidizing the construction where more detailed project plans are submitted for funding approval. So while the design of a Project is a part of the initial review, the level of detail is commensurate with the early stages of conceptual design.



Note transition created by varied rooflines and colors



Compare with above image and note the similarity of apparent scale and mass, yet buildings are separated



Note facade elements, door and window treatments, that create a human scale



Note composition of buildings on the land that are arranged with the topography and angled orientation to create private and common spaces

Figure 1 | Building Massing and Scale

B. Design Terms and Phrases Explained

This section of the handbook reviews definitions of the terms as applied in project reviews.

Affordable housing projects under c.40B often have design elements that are different from the surrounding context as described by the terms used in the regulations; e.g., use, scale. However, with careful design and consideration of the project elements in relationship to the adjacent streets and properties, the projects can better integrate with the surrounding context. Consequently, to help describe these terms, the definitions here include the context in which these terms and phrases may be applied.

The following terms are taken from the c.40B Regulations and Guidelines.

Building Massing and Scale

Buildings may be defined by simple dimensions of height and width, but they may also be described by the effective presence of those dimensions in terms of massing and scale.

Massing is the “organization of the building’s overall volume”. As an example, building forms providing the same volume of space may be low and wide or tall and thin. The images in Figure 1 indicate some of these variations.

Scale may be defined as the height and massing of a building and building elements and the relationship to surrounding spaces and structures. Common relationships are to the size of a human, to the context of the site, or in the relationships to adjacent buildings.

The mass and scale of a building may be reduced by altering the building’s bulk. The features that can minimize the mass and scale should be about the same size as the same features on adjacent properties. The images in Figure 1 indicate some of these features. In this way, the building’s appearance may be improved. Such features may include:

- Window shutters, corner boards and trim work around doors and windows.
- Transitions of large to small building sizes by stepping down heights and lowering roof lines, attaching storage sheds and covering entry porches and patios.
- Facades that are made more visually interesting by adding architectural bands that break up the siding or cladding.
- Using a human scale for these features so that they are related to the size of a person using the building.
- Natural forms can also be incorporated such as landscaping and land forms to add interest to the building’s surrounding areas. (see Figure 6)



Building Typology

Building typology is a classification of characteristics commonly found in buildings of similar construction. It may be defined by the building elements such as the structure of the building according to the design of the walls, columns and roofs, and other elements of the building façade such as bays, openings, and materials.

Figure 2 illustrates two different building types and how they relate to the existing development on the right. Each prototype requires different site and building configurations. Affordable housing projects typically vary from surrounding building types, but within the range of building types of buildings in the neighborhood. The image on the bottom includes a townhouse building type with sloped roofs and building separations. The image on the top suggests an apartment building that is distinctly different in form, but a more efficient use of the land.

These comparisons show how the variation in mass and scale that a chosen building typology can make. The graphic in Figure 3 shows a range of building types leading from low density to high density based on footprint, organization and height.

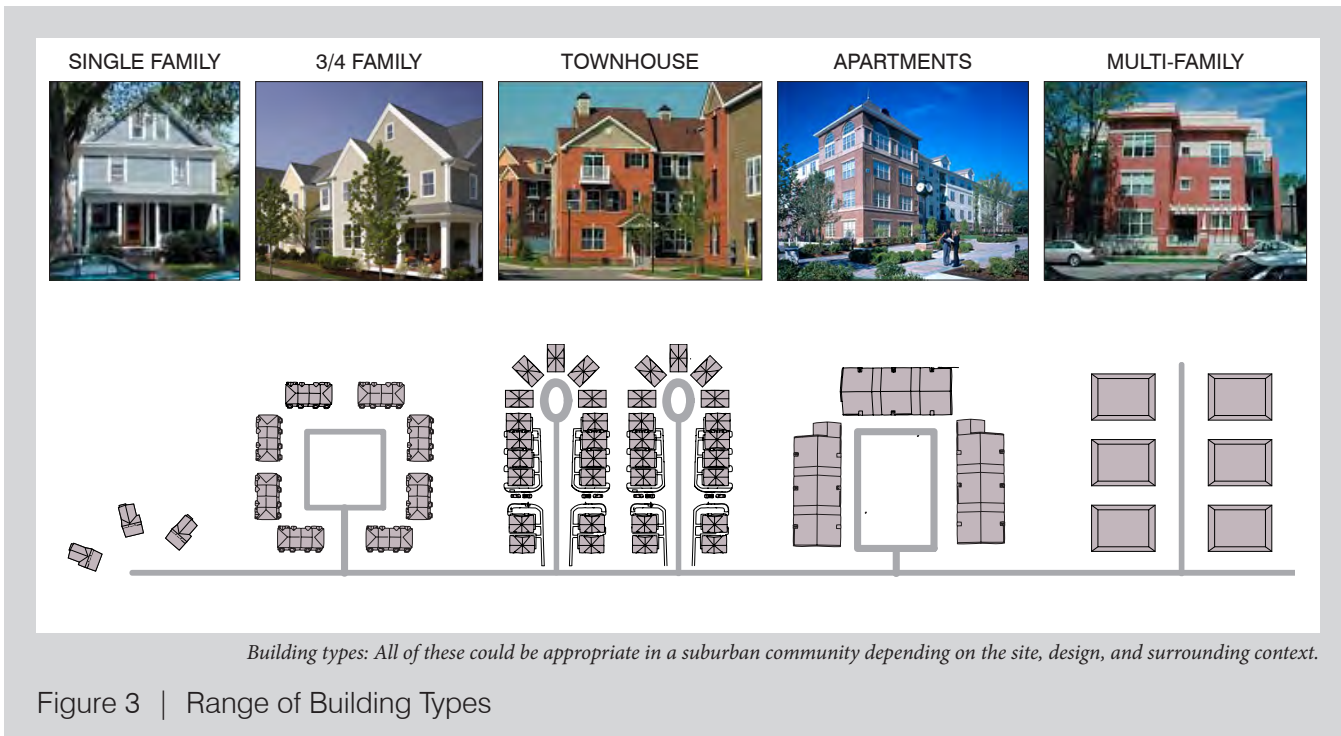


Figure 3 | Range of Building Types

Key design issues to review in the application materials and discuss with the applicant include:

- **Facade appearance and orientation** - Does the proposed design front onto the street the same way as the adjacent properties?
- **Architectural and site details** - Are the construction details of the proposed design compatible with the adjacent properties or minimize the differences between the new and existing structures?
- **Design treatments of the edge** - Do the street and landscaping details minimize the differences or buffer the transition between the different sizes, materials or orientation of the new design and adjacent properties?

See Attachment A for additional descriptions of the terms.

Conceptual Project Design

The Conceptual Project Design must sufficiently define the Project to allow decisions on the eligibility of the project for agency funding. A project's design evolves from the simple idea to detailed drawings ready for construction. In the early stages of design, concepts are developed as tests to determine the project's viability.

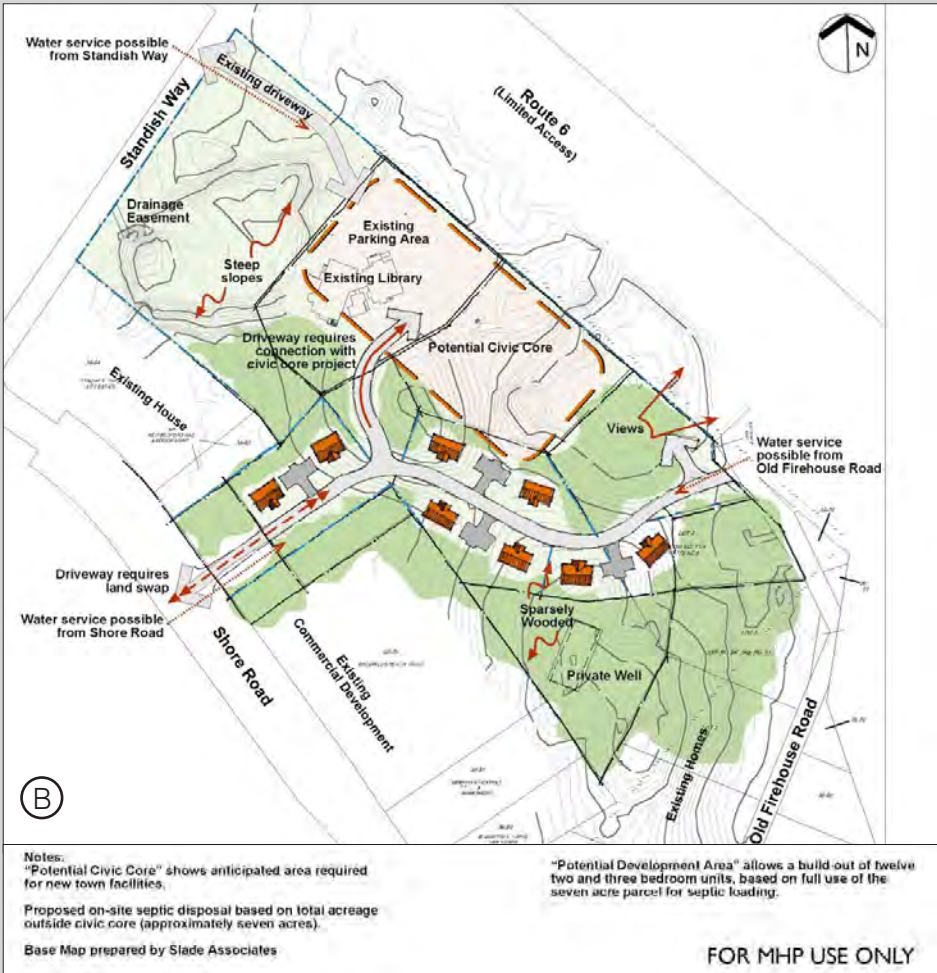
Items typically shown in a Conceptual Project Design are the buildings and site improvements where the details and information relate to the context of the site and project. The details of building's style and site design are limited but provide enough information to explain the approach.

The images of site plans in Figure 4 show ways that conceptual project designs may be illustrated. Simple conceptual plans can provide enough detail for this stage of the review, when they are properly documented.

Note that on Figure 4 in Image B, the information includes both graphics and notes to describe the proposed Project. On Image A the plan is laid on top of an aerial photo to help locate the Project and show how it may fit into the surrounding neighborhood.



Conceptual plan shows neighborhood above and river below project area. Source: Elkus Manfredi Architects



Conceptual plan with notes and text.

Figure 4 | Conceptual Site Plans Over Aerials

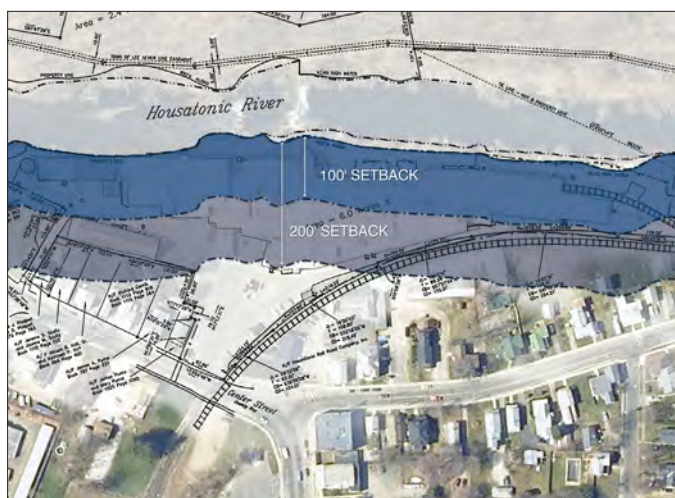


Aerial photos can provide information on land cover and potential environmental resources. Source: MassGIS

Figure 5 | Aerial Photograph - Belmont, MA

Environmental Resources

The site's environmental resources are generally submitted on a survey or an aerial photograph. As shown in the example in Figure 5, the natural and manmade features shown in this aerial map of Belmont, MA are trees or vegetative land cover, wetlands and waterways as well as open areas and buildings. Additional information may be collected with site photographs and site visits.



Plan showing wetlands with river setbacks.

Some wetland areas are determined in accordance with state laws and regulations (see 310 CMR 10.00). The adjacent image of the regulated wetland areas may not be obvious on the site however. If there is an indication of a wetland on the site, survey, or aerial plan, ask whether such a determination has been officially made and have it shown on the submitted plans with the date of determination.

Topography

Topography is the variation in ground elevation. The topography across a site and in the adjacent areas can be both a limitation and a benefit to site development. Steep and highly varied topography may be used as desirable features of a site or may require substantial reworking of the grades to allow site improvements. Flat sites may require less for improve-

ments but may hold less visual interest and could have drainage problems. Note that site improvement and development costs increase with substantial site regrading. For example, severely steep slopes and bedrock will add significant costs if they are part of the site development plan.

In site planning, the topography must be sufficient to plan at the scale of the project. This may require a contour for every half-meter, or every two feet, to greater intervals (one meter) on larger areas or flat sites. Half-meter or two-foot contours are typical for site planning but available topography may be used in the initial project planning stage. Information on topography can be obtained from the town or city hall or may be available in the MassGIS data.

The images in Figure 6 show how topography and vegetation were used as a visual buffer and features in the Project's design development.



Vegetated mound along frontage softens visual impact of building



Vegetated drainage basin provides a different buffer

Figure 6 | Development Using Topography and Vegetation as Buffer

Surrounding context

The surrounding context is defined by the existing development patterns outside of the site. From the c.40B Guidelines, specific reference is made to adjacent building typology and adjacent streets. Assuming that the new buildings will vary from the surrounding buildings, consideration should be given to the differences in architecture and settings. The conditions of the adjacent streets may define access points that in turn affect site layouts. The location of the buildings in relation to the streets may also be a factor in the visual impact of the building, as the following images in Figure 7 show.

Figure 7 | Surrounding Context - Ground Level Perspective



At the same scale, the buildings above create a more suburban image while the buildings below work in an urban setting. A sidewalk landscape buffer would soften the lower image.



The aerial image (Figure 8) below is a perspective that provides a view of buildings within a neighborhood. It is not a typical or common view in that the general public and adjacent properties do not see the property from this viewpoint. However, this type of view may be used to indicate how the differences of the buildings may be recognized.



A low-angle image, which are available online, provides a different perspective. See Attachment C for online resources.

Figure 8 | Surrounding Context - Aerial Perspective

The cross section below (Figure 9) indicates the ways in which the location and design of the proposed buildings may also be defined spatially in relation to surrounding streets and buildings. Again, this is not a common public viewpoint but helps illustrate and define relationships.

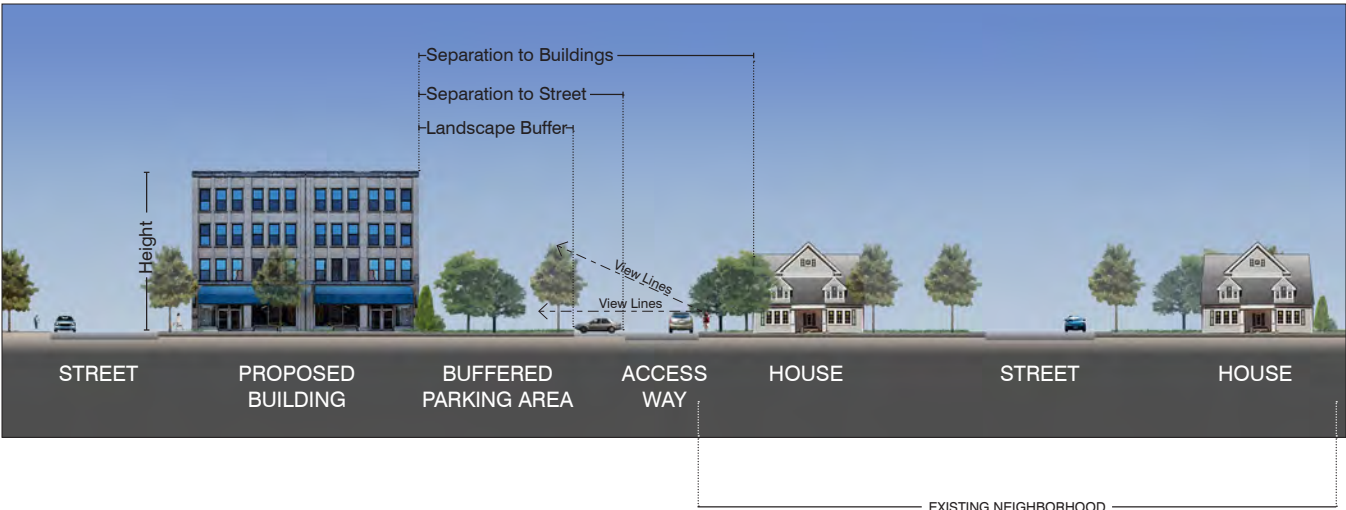
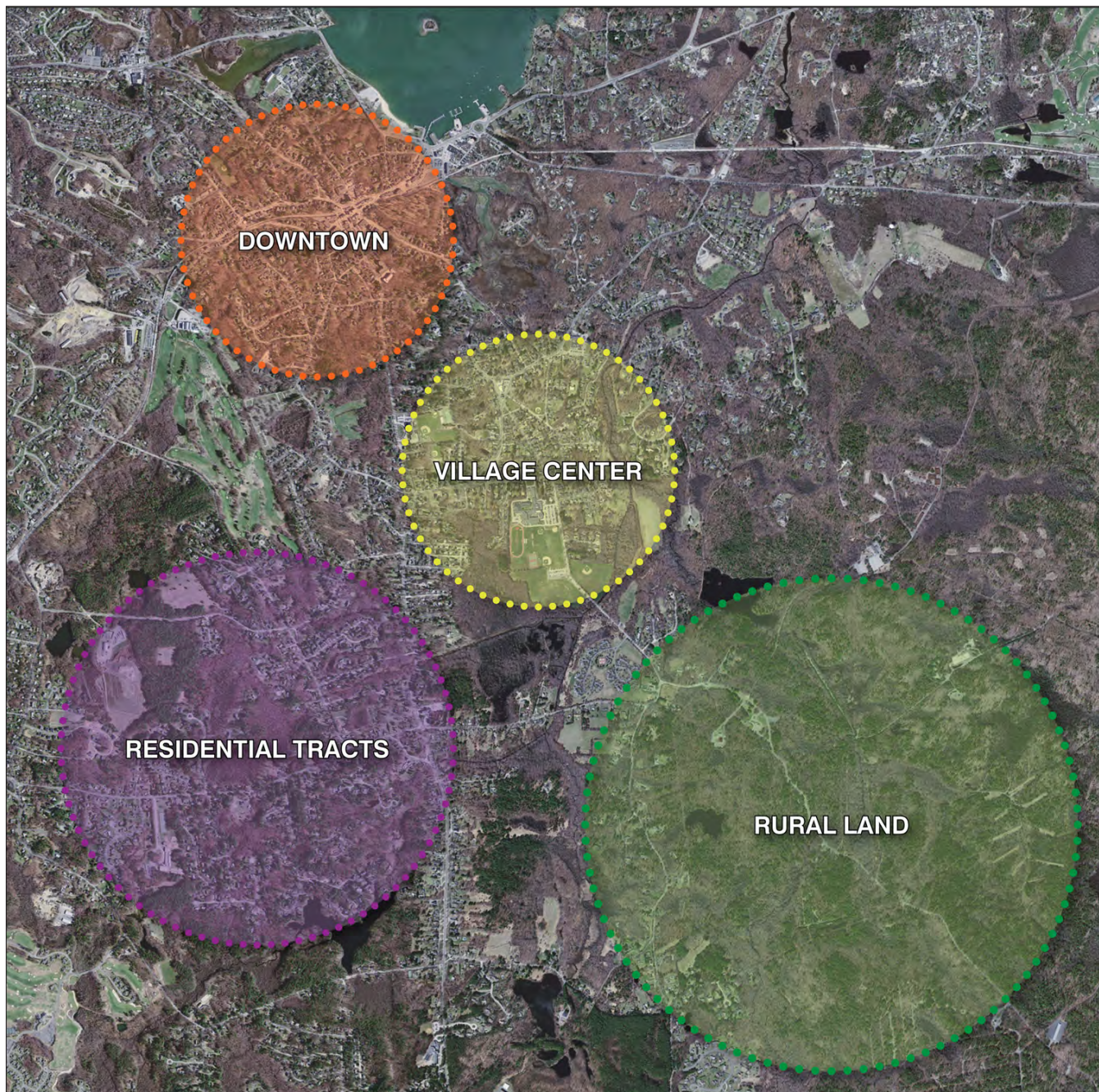


Figure 9 | Elements for Consideration of Relationship to Adjacent Buildings and Streets

Existing development patterns

The adjacent properties and neighborhood should be considered in the Site Eligibility review. The surrounding and existing development patterns will often vary within a community. Sites may include less developed areas of residential, commercial, or industrial land use. However, a wider view of the neighborhood may suggest a recognized pattern of settlement.

The illustration below (Figure 10) shows the variability of settlement patterns within one community. A site may be located in the generally rural area but adjacent to residential tracts. Again, while the resources are available to obtain a substantial amount of information, the site visit is still an important part of the review.



Note that a project in any of these areas requires a different design approach to remain in context with adjacent development.

Figure 10 | Settlement Patterns

C. Application Materials

To complete the review as envisioned requires submittal of application materials that properly explain the project. There is no need for a significant level of design detail at this stage because these are concept plans. But there is a need to have a clear understanding of the conditions at the site, the proposed Project concept and potential conflicts. With the online resources currently available (see Attachment C for resources), many of the requests for illustrative graphics and information are fairly simple to accommodate as noted below.

The officially required submittal materials for Site Eligibility are listed in sec. 56.04(2). It is also important to review the application requirements of the subsidizing agency. The items pertinent to design review include:

- (a) a locus map identifying the site within a plan of the neighborhood, accompanied by photographs of the surrounding buildings and features that provide an understanding of the physical context of the site;
- (b) existing conditions at the site such as wetland boundaries and setback lines, topographic relief, and current use;
- (c) a tabulation of proposed buildings with the approximate number, size (number of bedrooms, floor area), and type (ownership or rental) of housing units proposed;
- (d) conceptual design drawings of the site plan and exterior elevations of the proposed buildings, along with a summary showing the approximate percentage of the tract to be occupied by buildings, by parking and other paved vehicular areas, and by open areas, the approximate number of parking spaces, and the ratio of parking spaces to housing units; and any other parking requirements for ancillary uses;
- (e) a narrative description of the approach to building massing, the relationships to adjacent properties, and the proposed exterior building materials;
- (f) a tabular analysis comparing existing zoning requirements to the waivers requested for the Project.

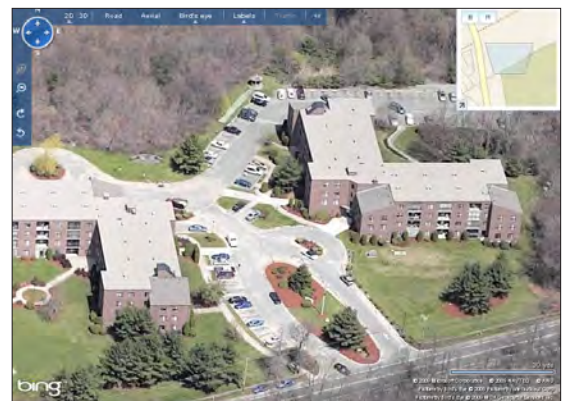
The following are recommended submittals for information to support these requests for information:

Description of the project site and surrounding buildings and features

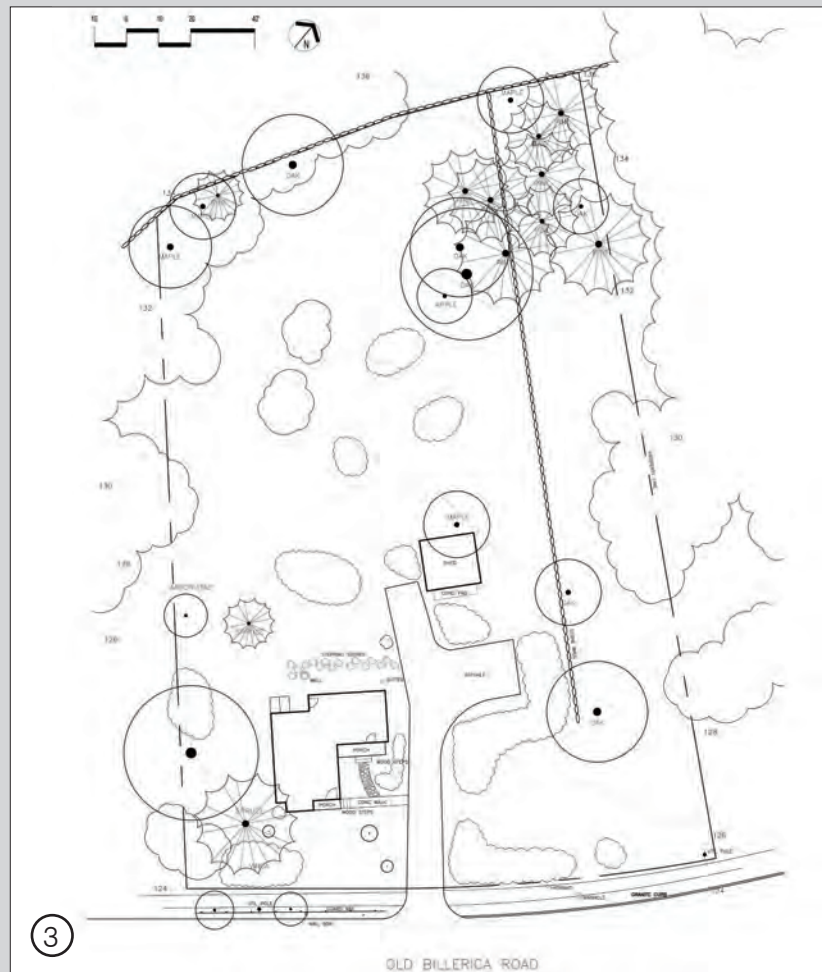
The area to be described should extend from the subject Site into all adjoining properties. [Additional areas may be in review after the site visit.] The description should include a survey or plot plan with designations of current use and zoning. The local assessor's office may be able to provide information on the use designation of the site and adjoining land to determine property and adjacent use and lot configurations. The description should be supplemented with aeries and photos, which are available online, as per the example below. The description should also include a series of photos taken from within and outside the site showing all adjacent properties. These photos should be eye-level and taken so that the interior of the site and adjoining property are represented on all sides.

Aerial images may be obtained for any location either through the state (MassGIS at <http://www.mass.gov/mgis/massgis.htm>) or from free online resources such as Google maps (<http://maps.google.com/maps>) or Bing maps (<http://www.bing.com/maps/>).

This image (right) is from Bing maps showing the level of detail and information possible with this source.



Aerial obtained from Bing Maps



The plans show different aspects of design. Image 1 is a hand-drawn sketch; image 2 is a computer-aided design, while image 3 is a plan that shows certain existing site information.

Figure 11 | Conceptual Site Plans

Conceptual design plans or site concept drawings

The conceptual design or site concept plans are inter-related terms. At this stage of the project development these plans could be expected to be fairly simple, so long as they convey the correct amount of information needed for the review. The basic information required includes:

- (1) Siting of buildings, parking and accessways
- (2) Adjacent properties and buildings
- (3) Width of the right-of-way with elements and dimensions of ways in adjacent public streets
- (4) Topographic contours across the site and into adjacent properties
- (5) Wetland resources as regulated under state regulations 310 CMR 9.00 et seq.
- (6) Site and environmental restrictions in the form of easements and any Activity and Use Limitations

Examples of conceptual plans with much of the basic information are shown on the previous page (Figure 11). Each represents a way to present a complex set of information and ideas in simple, easily accessible formats. The plans should include a table of dimensions and other data that may be included in the other application materials.

Image 1 in Figure 11 show how site plans may be laid over aerial photos to provide a good source of information on a Project and its relationship to the adjacent streets and buildings.

Description of the proposed buildings

The description of the proposed buildings should provide enough information to determine what the proposed building typology is and describe any architectural or site design elements that will help integrate the Project with the existing development patterns.

A simple method to represent buildings in the early stage of design is by using a three-dimensional graphic software program available for free on-line. The images in Figure 12 are examples of illustrative site plans using the SketchUp program, which is available for free, on-line (<http://sketchup.google.com/>). The program can be used to illustrate building massing and form. When the adjacent buildings are also drawn in the program, the context of the surrounding area can also be illustrated.



These low-angle projections show old and new development using different colors and show how the sizes and orientations relate to the surrounding context. In the top image existing is shown in orange and new is shown in yellow. In the bottom image existing is shown in white and new in grey.

Figure 12 | SketchUp Concept Plans - Use of 3D Modeling Software to Illustrate Project and Context

D. Checklist Review Procedure

To facilitate the review procedures for a non-designer, and to provide clarity for others involved in the design review process, a checklist is recommended. This will encourage consistent and complete decisions on the design elements and a focus on the design aspects that may require mitigation. Of particular concern is the impact the Project's design will have on adjacent properties. A suggested checklist is shown on the following page. This checklist simply lists the design elements listed in the regulations and allows an initial determination of conformance.

Initial Project Review: Design Elements Checklist

This checklist is to determine whether “the conceptual project design is generally appropriate for the site.” The regulations found at section 56.04(4)(c) define conformance when considering the factors listed in the left hand column.

Checklist of conformance with section 56.04(4)(c)

Project: _____

Location: _____

Reviewer: _____

Date: _____

FACTOR	FINDINGS	
	40B design regulations	Integration with adjoining properties
Proposed Use	<div><input type="checkbox"/> Acceptable</div> <div><input type="checkbox"/> Not addressed</div>	<div><input type="checkbox"/> Acceptable</div> <div><input type="checkbox"/> Requires additional discussion</div>
Conceptual Site Plan	<div><input type="checkbox"/> Acceptable</div> <div><input type="checkbox"/> Not addressed</div>	<div><input type="checkbox"/> Acceptable</div> <div><input type="checkbox"/> Requires additional discussion</div>
Building Massing	<div><input type="checkbox"/> Acceptable</div> <div><input type="checkbox"/> Not addressed</div>	<div><input type="checkbox"/> Acceptable</div> <div><input type="checkbox"/> Requires additional discussion</div>
Environmental Resources	<div><input type="checkbox"/> Acceptable</div> <div><input type="checkbox"/> Not addressed</div>	<div><input type="checkbox"/> Acceptable</div> <div><input type="checkbox"/> Requires additional discussion</div>
Topography	<div><input type="checkbox"/> Acceptable</div> <div><input type="checkbox"/> Not addressed</div>	<div><input type="checkbox"/> Acceptable</div> <div><input type="checkbox"/> Requires additional discussion</div>
Areas to consider in future review of the design:		

Detailed Project Review: Design Review Checklist

This second checklist is an optional approach for developing a response to the proposed design, based on the design review criteria from the DHCD c.40B Guidelines.

Checklist of Design Options for Integration into Existing Development Patterns

Project:

Location:

Reviewer:

Date:

Review each of these design elements to form the overall design review findings.
(See Attachment A: Key Design Issues for further discussion on these elements)

	Integration with adjoining properties
Relation to Surrounding Structures and Public Spaces	<input type="checkbox"/> Acceptable <input type="checkbox"/> Not addressed <input type="checkbox"/> Unacceptable
Why unacceptable:	
Architectural and Site Details	<input type="checkbox"/> Acceptable <input type="checkbox"/> Not addressed <input type="checkbox"/> Unacceptable
Why unacceptable:	
Scale (descriptor)	<input type="checkbox"/> Acceptable <input type="checkbox"/> Not addressed <input type="checkbox"/> Unacceptable
Why unacceptable:	
Height	<input type="checkbox"/> Acceptable <input type="checkbox"/> Not addressed <input type="checkbox"/> Unacceptable
Why unacceptable:	
Proportion	<input type="checkbox"/> Acceptable <input type="checkbox"/> Not addressed <input type="checkbox"/> Unacceptable
Why unacceptable:	
Shape or Form	<input type="checkbox"/> Acceptable <input type="checkbox"/> Not addressed <input type="checkbox"/> Unacceptable
Why unacceptable:	
Façade Design	<input type="checkbox"/> Acceptable <input type="checkbox"/> Not addressed <input type="checkbox"/> Unacceptable
Why unacceptable:	
Streetscape and Landscape	<input type="checkbox"/> Acceptable <input type="checkbox"/> Not addressed <input type="checkbox"/> Unacceptable
Why unacceptable:	
Design Treatments of the Edge	<input type="checkbox"/> Acceptable <input type="checkbox"/> Not addressed <input type="checkbox"/> Unacceptable
Why unacceptable:	
Building Setbacks	<input type="checkbox"/> Acceptable <input type="checkbox"/> Not addressed <input type="checkbox"/> Unacceptable
Why unacceptable:	

Building Height and Stepbacks	<input type="checkbox"/> Acceptable <input type="checkbox"/> Not addressed <input type="checkbox"/> Unacceptable
<i>Why unacceptable:</i>	
Facade Length and Articulation	<input type="checkbox"/> Acceptable <input type="checkbox"/> Not addressed <input type="checkbox"/> Unacceptable
<i>Why unacceptable:</i>	
Are the <i>Guidelines for Reviewing Design</i> addressed? (See Attachment B for additional discussion)	
	Integration with adjoining properties
Architectural Treatments	<input type="checkbox"/> Acceptable <input type="checkbox"/> Not addressed <input type="checkbox"/> Unacceptable
<i>Why unacceptable:</i>	
Modulation of Building Mass, Scale and Bulk	<input type="checkbox"/> Acceptable <input type="checkbox"/> Not addressed <input type="checkbox"/> Unacceptable
<i>Why unacceptable:</i>	
Environmental Resources	<input type="checkbox"/> Acceptable <input type="checkbox"/> Not addressed <input type="checkbox"/> Unacceptable
<i>Why unacceptable:</i>	
Parking and Access	<input type="checkbox"/> Acceptable <input type="checkbox"/> Not addressed <input type="checkbox"/> Unacceptable
<i>Why unacceptable:</i>	
Buffering Techniques	<input type="checkbox"/> Acceptable <input type="checkbox"/> Not addressed <input type="checkbox"/> Unacceptable
<i>Why unacceptable:</i>	
Areas to consider in further review of the design:	

Attachment A:

KEY DESIGN ISSUES

This section provides a more detailed description of elements of design that may be considered in a design review. Design review requires a balanced judgment based on consideration of the goals of affordable housing. The criteria include the Chap. 40B regulatory criteria, the surrounding context, and the proposed design as a composition of these elements. In almost all cases, design review decisions will not be an absolute finding of conformance, but will be based on a thoughtful analysis of how these Chap. 40B criteria apply.

Note that in the cases where the surrounding context is a complex mix of buildings decisions of context could be made from review of local plans, regulations and other precedents.

The following are key design elements to consider when determining if a Conceptual Project Design is generally appropriate for the site and relates to surrounding context. This list is meant to be used with Checklist of Design Options (pg. 22) to facilitate the review process.

Relation to Surrounding Structures and Public Spaces – The relationships between the Project and the adjacent sites are a key aspect of Chapter 40B design review. The following terms are taken from the regulations and therefore, should be used to make decisions during the review.

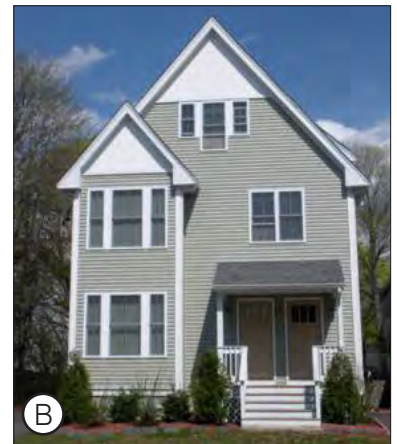
Architectural and Site Details – Architectural details include items such as the trim around entrances, corners, eaves, doors and windows; exterior cladding materials; and roof type. Site details include the type of curb, design of access into and through the site, signage, paving arrangements, lighting, landscape buffers and fences for example. The coordination of these features can result in a project's overall impression as a nice place to live and contribute to the community's character.

Scale – The scale of a structure should be compatible with the surrounding architecture and landscape context. Compatibility of different building scales or sizes may be addressed through building typology, orientation, roof lines, setbacks, and the position of the building on the site. That is to say, the size of these elements relate proportionally to the size of the human body.

Height – The height of the proposed buildings should generally be compatible with the surrounding buildings and structures. The treatment of rooflines, setbacks, and position of the building on the site may be used to mitigate differences in height. See also *Building Height Stepbacks*.

Proportion – The proportions of building elements can define the character of a building. The widths, heights, and separations of doors, windows, signs and other architectural elements should be generally compatible with existing buildings and structures.

Shape or Form – Within the site's boundaries, there are edges that when differentiated produce better site designs. The shape of the building and building elements is another way to consider compatibility with existing structures.



Note the differences between these project images showing different buildings with similar characteristics. The building in image A is two stories, building B is two and a half stories, and building C is three stories in height. All three buildings have peaked roofs with a higher pitch of the roof on building B. Each has a porch or porches but with different styles. Buildings A and B have clapboard siding and building C is shingled because building C is on Cape Cod in a neighborhood of shingled buildings. The proportions of building A, with the line of three windows and porch on the first floor and a trim board architectural band linked to the porch eave suggest a more squat, grounded building, while building B with the tall bay on the left side and the windows with side lights suggest a taller, but thinner building. Building B also includes panels under the roof peaks as an element that is intended to bring the eye down to the clapboards for mitigation of height. The entrances on building B are more prominent than buildings A and C. The façade on building C is articulated with the building wings, porches and the roof lines. While not shown, the surrounding context of each building helped inform these designs.



Note in a rural/suburban context, street trees soften the edge while sidewalks may or may not be included depending on the adjoining streets and project type. Image A suggests a development within an area of single family residences. Image B shows an apartment complex within master planned development with a mix of residential building types. Note the use of peaked roofs, articulated facades and buildings, and landscaping to improve the design.

Facade Design – The facade is literally a French term meaning “the face”. It is a combination of design elements that when artfully composed create a harmonic impression. Just as we can have long and narrow or wide and open faces, so do buildings. A rule of thumb would have new construction mirror some aspects of the facade design of neighboring buildings so as to create a continuity across projects.

Streetscape and Landscape – Perimeter streetscape and interior landscape treatments may include grading, planting and site amenities. The site landscaping and grading can be designed to soften the visual impact of a project. The landscape can also perform multiple duties for stormwater management and site improvements. Continuity of design with the public street may be appropriate; as for example to continue sidewalks and lighting, when present.

Design Treatments of the Edge – An edge is a physical element which defines or separates space. Edges identify areas of different or conflicting activities, changes of urban scale or character, and areas of different landscape qualities. The edge is the most important element when designing an exterior space. Weak edge definition lacks separation of activities or views. Visual and spatial interest is also reduced. Strengthening of edges (including curbing, shrubs, screening, and street trees) enhances the overall visual experience. Plant materials have been used extensively to enhance the visual quality of new construction. They can provide visual relief, define space, and add aesthetic character to developed areas. They also provide shade, reduce surface heat and help filter air pollution. Some typical methods of improving the edge of a given development include the following:

- Trees - can be used to provide scale and define space, shade, and variation on color and textures.
- Shrubs – provide scale and interest in pedestrian areas. They provide a natural and physical barrier when needed. Variety in color and texture can be accomplished with a variety of plant materials.
- Groundcovers – and vines are useful for providing texture and visual relief to ground and wall surfaces. Once established, these plants provide visual interest to otherwise plain surfaces.

Building Setbacks – The creative use of setback areas, particularly the front and side yards, can be designed to enhance pedestrian access, outdoor accessory uses, or to facilitate access to the rear of the lot for parking and loading. Parking should typically not be included in the front setback when possible. Conceptual Site Plans should demonstrate that the setback area design accomplishes the community’s planning objectives and creates an inviting environment for pedestrians. Where rear yard setbacks are necessary, Conceptual Site Plans should demonstrate that appropriate screening is provided (i.e. trees, shrubbery and fencing as needed).

In some settings (i.e. downtowns and other urban environments), minimizing building setback from a public street right-of-way is desirable so that the front and street side facade of the building visually reinforces street enclosure. This is often coupled with more formal streetscape improvements (i.e. concrete/brick pavers, street trees and furniture, decorative lighting consistent with equipment used by the municipality, and designated dining or retail display in mixed use developments).

Building Height Stepbacks - The design objective of a building stepback is to reduce the shadowing effect on public streets and surrounding buildings and prevent a “canyon” effect when taller buildings are located directly across the street from, or adjacent to, one another. At the same time, street enclosure (or the “Street Wall”) is an important design element in establishing or reinforcing surrounding development patterns. A typical building stepback requirement would specify that building height within a certain

distance of the street right of way line not exceed a certain limit (stories or vertical feet). This height at the street right of way line may then be increased by a prescribed amount (in stories or feet) for interior portions of the building that are setback a further distance from the street right of way line. Building setback requirements may also specify certain roof styles, directional orientation and pitch facing to ensure compatibility with the surrounding area and established building patterns. Building setback requirements may also specify that those portions of the roof in the setback area may be used for certain specified accessory uses such as rooftop gardens, terraces, or similar uses.

Façade Length and Articulation - Buildings or portions of a building with wide elevations can be divided into smaller parts through pronounced variation in wall plane articulation and materials and variations in the cornice/roofline to accomplish the desired divisions of elevations into smaller parts. This design technique is an effective way of breaking up the horizontal massing of the building.

Attachment B:

GUIDELINES FOR

REVIEWING DESIGNS

The following are short descriptions of design elements and ways they may be considered in the context of the regulations and guidelines when reviewing a Project.

Architectural Treatments

Possible architectural treatments and design techniques to address the general compatibility of the Conceptual Site Plan with the existing building pattern in the surrounding area may include the following:

Site Appearance – The character, layout and general composition of the site, including but not limited to the kind, color and texture of such materials as plantings, paving, benches, site lighting, utility structures and all other appurtenant elements should be generally consistent with the existing building patterns in the surrounding area.

Exterior architectural appearance – The architectural character and general composition of the exterior of a building, including but not limited to the kind, color and texture of building materials, including paint color, and the type, design and character of all windows, doors, light fixtures, signs, awnings, utility and ventilation structures and all other appurtenant elements.

Architectural features – Use of architectural features and details such as porches, awnings, columns, towers, turrets, skylights and arches, are effective methods of creating interesting buildings.

Fenestration – Door and window openings should be proportional to facade length and height. The building design should create a sense of entry into the site through landscaping, facade treatment and signage.

Modulating Building Mass, Scale and Bulk

Design techniques for modulating building mass, scale and bulk may be used to address the general compatibility of the Conceptual Site Plan with the existing building pattern in the surrounding area. Techniques include:

Building Orientation – The relationship of a building to the adjoining public way is usually best when it faces the street. While an attractive building wall and facade should always be presented to the public side of the property, when the longer walls are oriented away from the public view, the building form will appear smaller in bulk.

Roof Pitch, Style and Elements – Roof pitch is an important design element in determining general compatibility with existing building patterns in the surrounding area. Attention should be paid to the range of roof styles and range pitches that are common in the area from flat roofs to steeply pitched roofs (i.e. 6 in 12 inch pitch), and elements such

as dormers, parapets, turrets, etc. Long unbroken expanses of roofs should be avoided though use of dormers, skylights, chimneys and changes in ridge line.

Wall Expanses – The use of facade divisions, such as building jogs, architectural detailing, and changes in surface materials, colors, textures and roof lines are an effective design technique for modulating building mass and scale. Facades on all sides of the building which are visible from public streets should feature characteristics similar to the front facade.

Building Entrances – Entrances should be designed on the facades that front on and have a principal pedestrian access to a public street. New buildings should provide for the creation of pedestrian alleyways, where appropriate, in order to allow for passageways to parking at the rear of the lots and adjoining streets.

Environmental Resources

Natural Cover – The existing, natural cover of trees and shrubs on a site may provide a desired landscape buffer. The condition and type of vegetation should be considered as some robust plantings may be undesirable species or the vegetation may be in poor condition.

Topography – Topographic contours can provide opportunities for mitigating the bulk of a building, or conversely, further expose the structure and its foundation. Significant modification of the existing topography adds costs to the Project and should be considered only when other options are unavailable.

Parking and Access

Access Management – In reviewing Conceptual Site Plans, consideration should be given to possibilities for improvements to pedestrian and vehicular circulation in relation to existing building patterns in the surrounding area. Some specific design techniques may include closing, sharing, or consolidating curb cuts; creating easements and links with adjoining uses or properties, moving parking areas to rear yards; merging parking areas to more effectively and efficiently use land; and connecting internal site sidewalks, paths, and crosswalks with external transportation systems.

Parking and Circulation – In reviewing Conceptual Site Plans, consideration should be given to on-site parking and circulation as it related to the surrounding area. Applicants should demonstrate that adequate spaces have been provided but avoid excessive parking. Parking and circulation should also be designed to provide for the maximum pedestrian safety, ease in traffic flow, and access/egress on the property, while minimizing the need for impervious surfaces which increases storm water run-off and costs among other impacts, and maintaining the visual character of the property and adjacent areas. Some general parking and circulation design methods are as follows:

- Locate parking access to the side or to the rear, when such areas are available.
- Minimize vehicular parking next to a street frontage to the lowest possible number while maintaining safety.
- Mask parking areas from the street frontage by buildings or appropriate landscaping.
- Individual parking spaces should be designed, maintained and regulated so that no parking or maneuvering incidental to parking is on any public street or sidewalk and so that any automobile may be parked and un-parked without moving another automobile.

- If artificially lighted, such lighting should be so designed and arranged that light is directed away from any adjoining property and so designed and arranged as to shield public roadways and all other adjacent properties from direct glare or hazardous interference of any kind.
- Installation of curbs, motor vehicle stops or similar devices so as to prevent vehicles from overhanging on or into public rights-of-way or adjacent property.

Buffering Techniques

Landscaping Design – Consideration should be given to possibilities for maintenance and enhancement of the existing landscape to provide a transition and bridge the gap between public and private space. Some specific landscape design techniques for public and private frontages are discussed below:

Public Frontages

- **Street Trees** – The Public Frontage may include trees planted in a regular spacing pattern of varied species with shade canopies of a height that, at maturity, clears a certain height (depending on streetscape characteristics of the surrounding area), but remains predominantly clear of building frontages. The introduced landscape should consist primarily of durable species tolerant of salt and soil compaction.

Private Frontages

- **Existing Significant Trees and Shrubs** – should be maintained to the maximum extent possible.
- **Plantings** – should not obscure site entrance and exit drives and road intersections.
- **Mixed Use Developments** – When the front setback is greater than zero, those portions of the front yard not occupied by pedestrian amenities and public spaces should be landscaped.
- **Residential Developments** – Private Frontage landscaping along the perimeter of the lot is an effective design tool when buffering a development from the surrounding area is necessary. In addition to retaining existing vegetation, new landscape plantings may include a combination of grasses, trees and shrubs indigenous to Massachusetts.
- **Street Trees** – Trees of a sufficient caliper are suggested in a regular pattern along the frontage of property if the building is setback a sufficient distance to allow trees to property grow and spread out. All landscaped areas should be continuously maintained, irrigated, and fertilized. Plant materials should be organically maintained to the maximum extent possible.

Parking Lot Landscaping

- **Shade Trees** – Trees in paved areas and parking islands should have a sufficient amount of permeable area for proper growth. Selected species should have low water needs, salt tolerance, and low maintenance
- **Buffering** – Portions of the interior parking area should be landscaped, and planting along the perimeter can be effective in reducing the visual impact on the area when necessary.
- **Stormwater Treatment** – Stormwater should be sufficiently controlled and treated by either conventional methods or by evolving Low Impact Design techniques such as rain gardens, vegetative swales, bio-retention, filter strips, and pervious pavers.

- Storage Areas – Exposed storage areas, machinery, garbage “dumpsters,” service areas, truck loading areas, utility buildings and structures should be screened from view of residents on abutting properties and streets using plantings, fences and other methods. Where feasible, shared use and designated areas for garbage dumpsters are an effective design technique. Trash dumpsters should be fully screened on three sides with solid walls of a sufficient height with a solid front gate. Trash compactors should be enclosed to minimize noise.
- Fences – Opaque or semi-opaque fencing may be necessary in some cases to sufficiently screen surrounding areas. The materials, color, and height above the grade plane should be generally consistent with the existing or desired building patterns in the surrounding area.

Attachment C:

REFERENCE MATERIALS AND RESOURCES

Subsidizing Agency Web Sites

To find out more about agencies that subsidize affordable housing projects and their programs:

MassHousing – www.masshousing.com

Mass Housing Partnership – www.mhp.net

Mass Department of Housing and Community Development – www.mass.gov/dhcd/

MassDevelopment – www.massdevelopment.com

Online Maps and Aerial Photos

On line maps and aerial photographs are available from these sources:

- (1) Google maps – www.maps.google.com
- (2) Bing maps – www.bing.com/maps/
- (3) USGS maps – <http://topomaps.usgs.gov>
- (4) *Visualizing Density*, Julie Campoli and Alex MacLean, Lincoln Institute of Land Policy, Feb 2007

State Environmental Regulations

- Environmental regulations – www.mass.gov/eoea/

The Housing and Urban Development's Design Advisor

- The Housing and Urban Development's Design Advisor [with 2004 Updates sponsored through the Campaign for Excellence in Affordable Housing Design] may be found on line (www.designadvisor.org). The site provides a primer on affordable housing design with examples from around the country of ways in which high quality design elements have been incorporated.

Accessibility Codes

- There are building and design codes specific to accessibility; such as, Federal Fair Housing Act, Americans with Disabilities Act, and the Massachusetts Architectural Access Board. The reviewer should be aware that the designers must determine conformity to the provisions of these regulations.

Other Related Information

- The Smart Growth Toolkit may be consulted for information on the State's smart growth and energy policies (http://www.mass.gov/envir/smart_growth_toolkit/). This site includes summaries of Low Impact Development and Smart Energy issues and ideas.
- Planning and Urban Design Standards, by the American Planning Association and published by John Wiley & Sons (2006) includes information on conceptual site planning.

HANDBOOK: APPROACH TO CHAPTER 40B DESIGN REVIEWS

Prepared by:

THE CECIL GROUP, INC. | DECEMBER 2010

From: [Art Hultin](#)
To:
Cc:
Subject: FW: Thanks and commendation to Truro ZBA
Date: Thursday, August 27, 2020 10:47:54 AM

From: Curtis Hartman
Sent: Thursday, August 27, 2020 10:38 AM
To: Art Hultin
Subject: Thanks and commendation to Truro ZBA

Good morning, Art,
In a different time I would have come to the public comment period of your meeting to deliver this.
Please share it with your colleagues, and in to your record if that is appropriate.

To: Truro ZBA: Arthur F. Hultin Jr. Chair, John Thornley, John Dundas, Fred Todd, Chris Lucy,
Darrell Shedd, Heidi Townsend

I want to commend the Board for their thoughtful, comprehensive, and professional work concerning the potential cloverleaf project. I know it is a difficult and challenging project to evaluate, made more difficult still by widespread misinformation and vitriol from opponents. You are to be congratulated, and thanked, for the exceptional and far sighted service you are giving to our town.

Curtis Hartman
former chair, BOS, Local Comprehensive Planning Committee, and Community Preservation Committee, three term member of the Planning Board.

Curtis Hartman
P.O. 410
Truro, Ma. 02666
508-680-2259

To the ZBA:

We are writing to express our gratitude for the ZBA's careful consideration of the Cloverleaf housing development over the past year and to express our strong support for the project. We enthusiastically back the forward momentum of this project and celebrate the impact that it will have on our collective ability to provide affordable housing opportunities for those in our community who need it most.

As you are well aware, there is a critical need for affordable rentals in Truro, a town that currently ranks third in least affordable of the 15 communities on Cape Cod. As such, Cloverleaf has significant implications for the future sustainability of our town. We are happy to see that the developer has a proven record for working with the town, addressing concerns to the best of his ability and creating lovely communities that land gracefully into the town's character. We are confident that the ZBA will act in the best interest of the community.

Thank you,

Highland Affordable Housing



September 3, 2020

Truro Zoning Board of Appeals
c/o Ms. Barbara Carboni, Esq., KP Law, P.C.
101 Arch Street, 12th Floor
Boston, MA 02110

Re: Third Peer Review
Cloverleaf Parcel
Highland Road
Truro, Massachusetts

Dear Ms. Carboni and Board Members:

The Horsley Witten Group, Inc. (HW) has reviewed the supplemental information supplied by J.M. O'Reilly & Associates (Applicant's Engineer) on August 14, 2020 regarding the Comprehensive Permit submitted by Community Housing Resource, Incorporated (Applicant) for the residential redevelopment of the Cloverleaf Parcel located on Highland Road in Truro, Massachusetts.

The materials provided by Mr. O'Reilly answer most of the questions raised in our previous letters. There is one larger remaining issue that has arisen during the evaluation of the project. It involves the coordination between the Town's installation of the potable water line across the property and the construction of the overall housing project. It is HW's understanding that the Town will be clearing and grading a significant portion of the property as the water line is installed. This work needs to be closely coordinated with the housing construction in terms of timing and in terms of the erosion and sedimentation control measures that will be used for both projects.

It would be best if the two projects used the same erosion and sedimentation control plans for the site to make sure that the water line construction doesn't impact areas where the proposed stormwater management facilities for the property are located. There should also be close coordination on the timing of the two projects. If there are more than two weeks between the completion of the town's waterline work and the initiation of the housing construction, all the disturbed areas on the site will need to be stabilized, likely planted with grass, to prevent erosion of the many steeply sloped areas of the site. There will also need to be some regular inspections of the property to ensure that any concerns are identified and addressed.

Further comments on this issue and on the recent information submitted by Mr. O'Reilly are provided below. The comments are organized to follow the information presented in Mr. O'Reilly's memorandum dated August 14, 2020 that provides his responses to our previous letter.

Wastewater System Design and Operation

Page #1 – Contingency Plan - The contingency plan should specify when the Board of Health will be notified of an effluent sample that exceeds a total nitrogen concentration of 10 mg/L. HW recommends that the Board be notified within 2 business days of receipt of the laboratory report. HW also recommends that the Applicant provide information on the regular operation and maintenance (O&M) requirements for the septic system components so that the Town is aware of them.

Page 1 – Groundwater Monitoring – Samples from the monitoring wells should be analyzed for the nitrogen series compounds and laboratory reports should be provided to the Board of Health within a specified timeframe. HW recommends that they be provided within two weeks of receipt by the owner/operator.

Page 4, Item #4 – Pipe Sizes; Plans submitted to the Board of Health will need more detail, including pipe slopes and lengths. The locations of cleanouts will also need to be shown on the final plans.

Page 4, Item #5 – Setbacks: Additional notes/calculations have been added to the plans that address the separation distance for drywells. The Applicant may wish to consider relocating the drywell for building 22-24 away from the 2:1 slope for ease of construction.

Page 4, Item #6 – Groundwater: Comment addressed.

Page 5, Item #8 – Operation and Maintenance: See contingency plan discussion above.

Specific Comments on Stormwater Management Facilities

Page 5, Item #1 - A Stormwater Management Form has been provided. The Applicant will also provide a stamped version of this form when filing for the SWPPP.

The Applicant indicated that the swales will remove 70% of the Total Suspended Solids (TSS) in the stormwater runoff. However, details have not been provided for the cross section of these swales and it does not appear that all runoff from impervious surfaces near building 22-24 along with that from the gravel access drive has adequate pretreatment. Additionally, no sizing calculations for the rip rap apron have been provided to confirm that the proposed dimensions are adequate.

A detailed HydroCAD report was provided for review. It would be helpful if a summary table and/or a narrative was provided to assist in the review of this lengthy document. This would be helpful to confirm that the runoff is managed to ensure that post development runoff volumes leaving the site are less than the current pre-development volumes. This is needed for areas where stormwater is collected and treated as well as for areas such as those behind many of the homes, where no stormwater treatment is proposed. Additionally, there appear to be outlet pipes from the leaching facilities (30-foot long, 2-foot diameter pipes) that do not appear to be indicated on the plan.

Page 5, Item #2 and Item #3 - It is still unclear how runoff from the lawn areas outside of the pavement will be managed. A portion of the gravel secondary access is now included in the drainage area, but it appears that a large portion of this will flow directly into the swale without any pretreatment. HW recommends that the Applicant also confirm if any off-site areas will be draining onto the site and captured within the drainage system proposed.

Page 6, Item #4 Roof Runoff – HW recommends including an overflow for the downspout near the building.

Page 6, Item #5 50 Year Storm- Addressed.

Page 6, Item #6 Sheet Flow - Addressed.

Page 6, Item #7 Water back up into the catch basin – Addressed.

Page 7, Item#10 – Elevations - The elevations for Drainage Facilities 2 and 3 should be reviewed (the detail does not match the plan). Additionally, the Applicant should confirm that there is adequate space between the pipe invert and rim elevations on all structures to ensure that construction is feasible.

Page 7, Item #11 – Benches – Addressed.

Page 7, Item#12 – Barriers – HW recommends adding a barrier to the edge of pavement/swale for drainage facility #4 to prevent cars from driving into the swale.

Comments on Other Utilities

Page 7, Item #2 – Other Utilities - HW recommended that the Applicant confirm that there is adequate cover over the leach field to allow the light pole installation (pole base depth, footing, wires). The Applicant has responded that there will be 3 feet of cover over the leach field with wires proposed 18" below ground. However, given that the land surface over the leach field has a slope it may not be feasible to keep the wires 18" below ground if they cross the fields. This is a detail that can be worked out in the final design submitted to the Board of Health.

Other Site Design Comments

Page 7, Item#1 – Phasing - HW recommended that a phasing plan be provided for construction. The Applicant states that a formal phasing plan will be submitted once other permits are obtained. As mentioned above, the phasing of this project relative to the installation of the potable water line needs to be carefully coordinated so the site is not cleared and left vacant for more than two weeks without proper stabilization of the disturbed areas.

Page 7, Item #2 – Erosion Control Plan - The proposed plan addresses HW's previous comments. As mentioned above, this plan should be coordinated with the plans for the water line installation. The site disturbance during that project should be subject to the same, or similar plan for erosion and sedimentation control.

Page 7, Item #3 – Addressed.

Page 7, Items #4-10 – Addressed.

Page 7, Item#11 – Snow removal. The Applicant has described several areas for snow removal including the areas to the west of the entrance drive, to the south of units 2-3, at the corners of building #24, in front of the rear units, to the north of the rear drainage swale and around the visitor parking within the central common area. Many of these areas appear to be in the same locations as walkways, steep slopes (2:1) and the emergency access drive. HW recommends that areas for snow removal be shown on the plan. The driveway is fairly narrow and there is not a lot of area outside of the driveway and parking spaces that is not occupied by stormwater or wastewater systems.

Page 9, Item 15 – Landscape Plan - The Landscape Plan indicated that several trees/shrubs will be planted along the 2:1 slopes throughout the property. HW recommends additional planting details be added to the final plan set. Additionally, the proposed planting material in the area designated "VS" for vegetated swale should be specified for quantity and types of plants proposed.

Stormwater Management During Construction

The project involves a significant amount of earthwork with many steep slopes on a relatively small site. While the applicant has provided plans showing where erosion control measures will be installed there are no details on how runoff will be managed during construction.

The applicant should provide a plan showing how stormwater will be managed during construction. This is needed to confirm that stormwater will not create erosion problems on the site and that runoff will not be discharged in areas where the permanent stormwater facilities will be built. A proposed construction entrance is currently shown on the plans as well as inlet protection for catch basins once they are installed. However additional detail on where runoff will be directed and how erosion will be prevented, such as through the use of sediment traps or other measure,s is needed for the construction phase of the project. This will need to be coordinated with the water line construction as well.

Additional Comments

It appears that not all parking spaces have been graded and there are dashed lines that indicate double-stacked overflow spaces. HW recommends that the Applicant verify that all parking spaces are feasible and meet the minimum requirements (handicapped spaces as well).

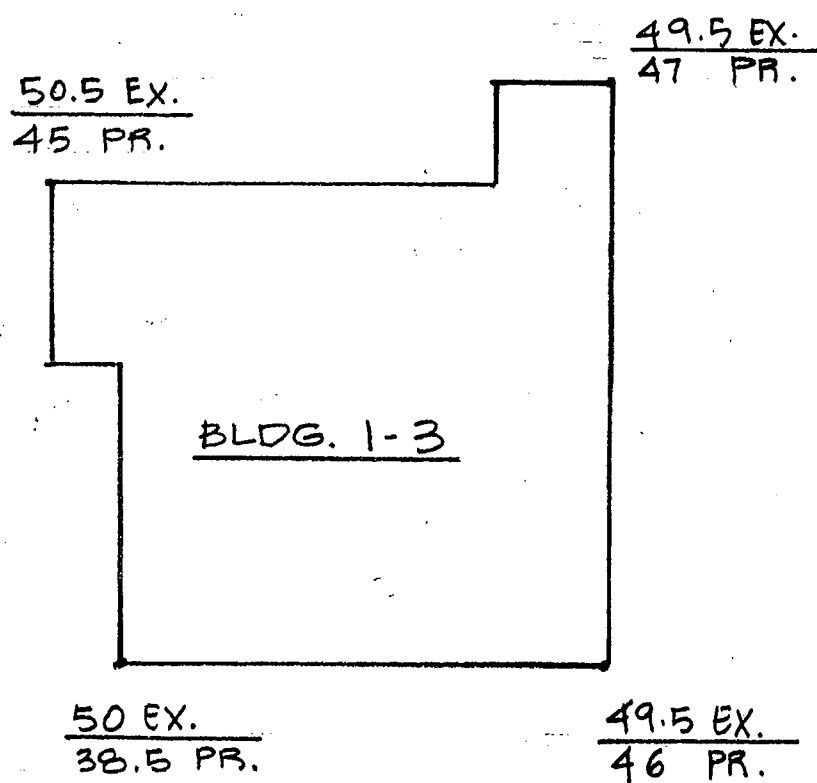
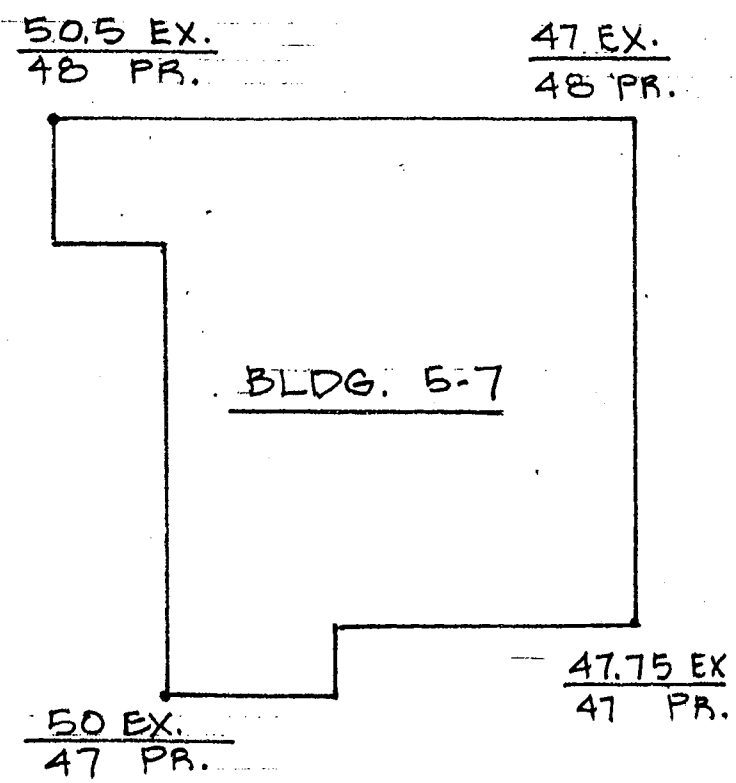
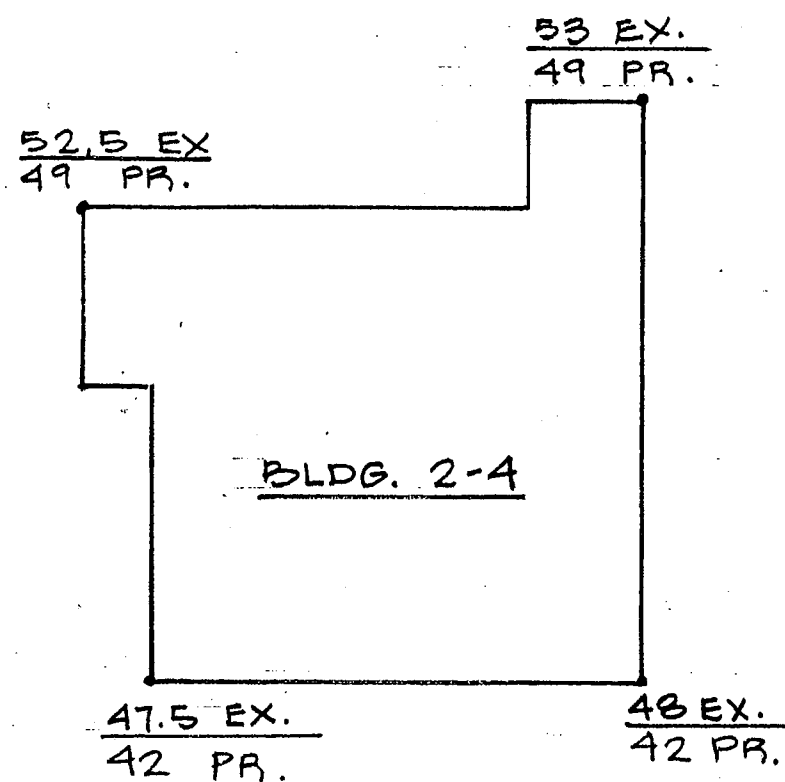
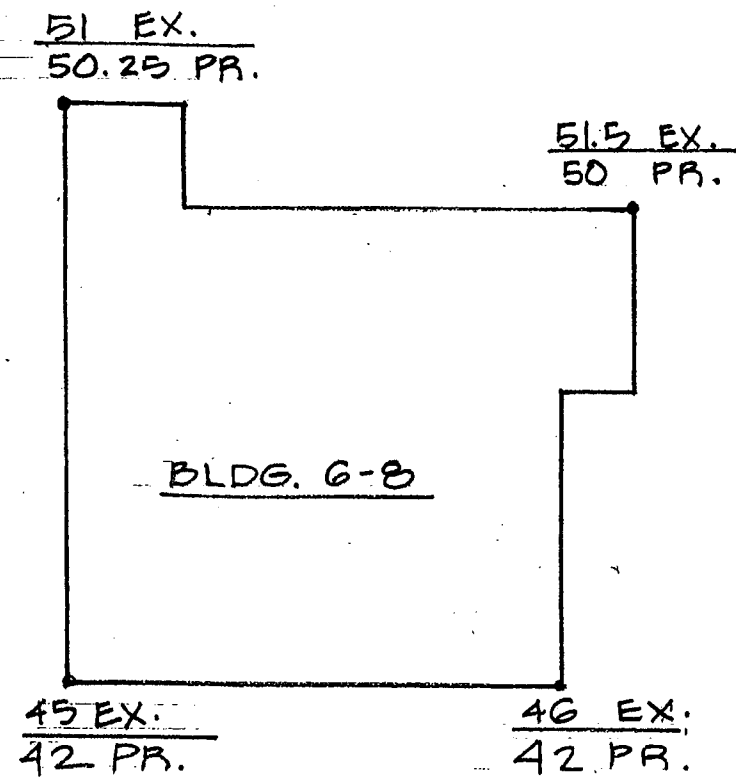
The Applicant intends to complete soil testing in the proposed stormwater management areas once access is available. If the soil type differs from what has been assumed, the drainage system may need to be redesigned.

Sincerely,

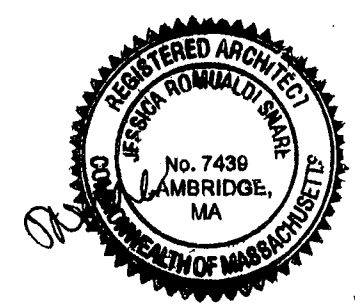
Horsley Witten Group, Inc.

A handwritten signature in blue ink, appearing to read "Mark Nelson".

Mark Nelson, P.G.
Principal



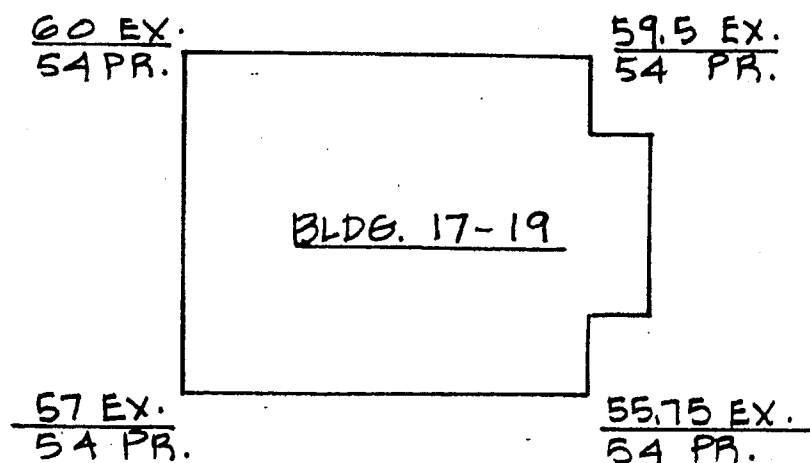
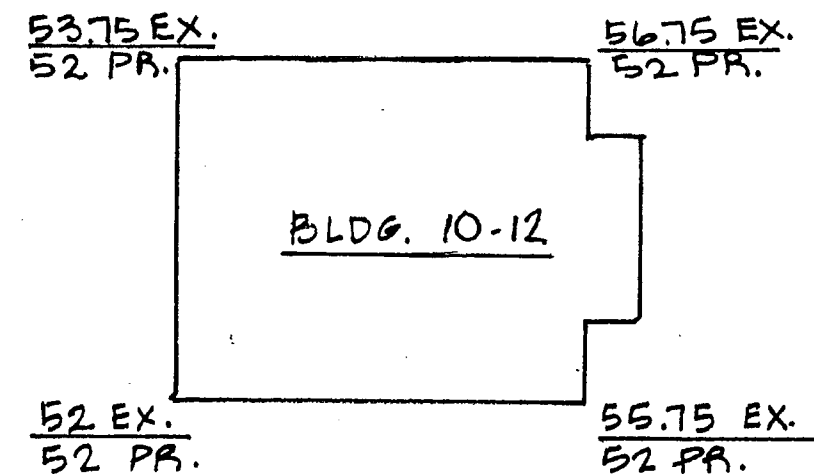
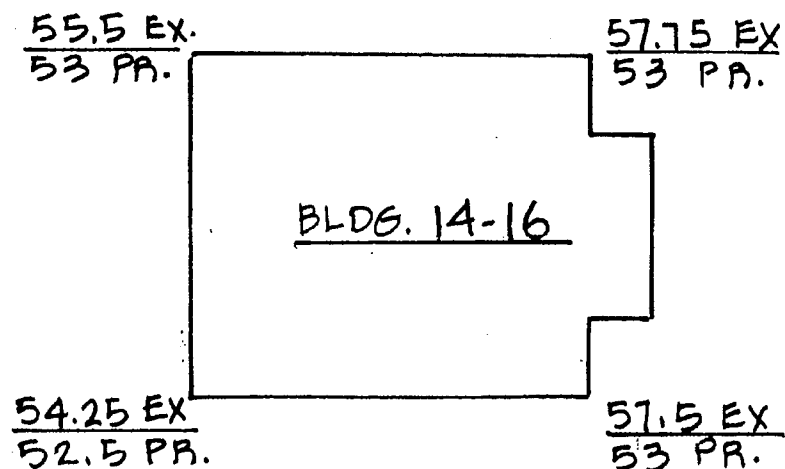
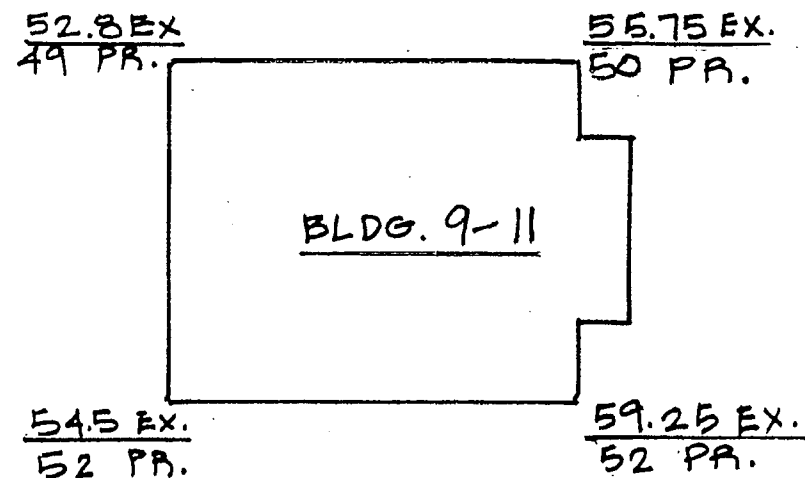
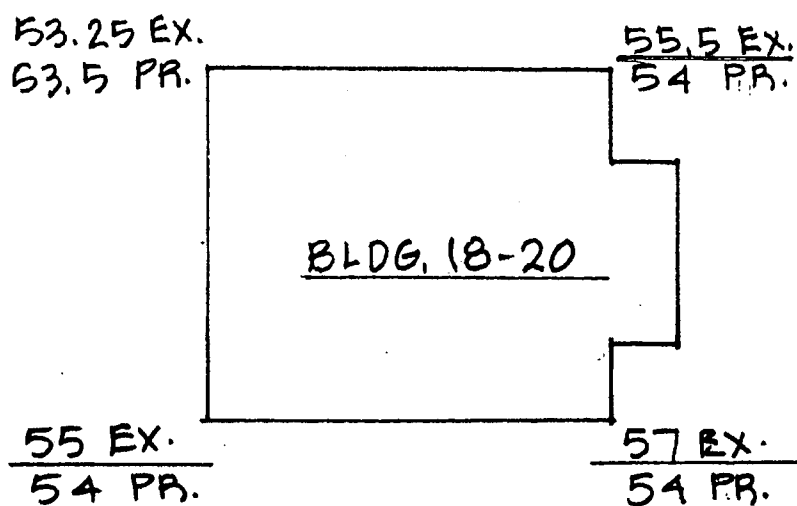
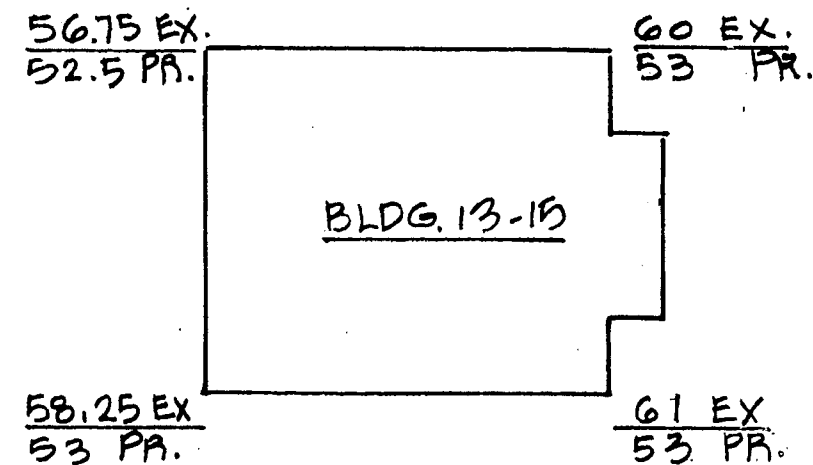
	6-8	2-4	5-7	1-3
AVERAGE EXISTING GRADE	48.3	50.25	48.8	49.8
AVERAGE PROPOSED GRADE	46	45.5	47.5	44.12
AVG. BUILDING HEIGHT ABOVE EXISTING GRADE	26.2	23.25	22.7	21.7
AVG. BUILDING HEIGHT ABOVE PROPOSED GRADE	28.5	28	24	27.38
ACTUAL ELEVATION ABOVE SEA LEVEL TO PROPOSED RIDGE LINE	74.5	73.5	71.5	71.5



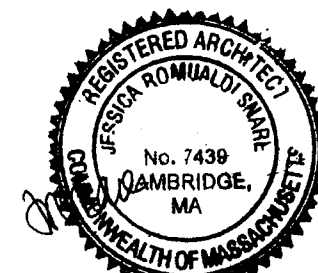
BUILDING HEIGHT CALCULATIONS
BUILDINGS 1-3, 2-4, 5-7, 6-8
CLOVERLEAF TRURO RENTAL HOUSING

SPRING HILL DESIGN
ARCHITECTURE INTERIORS SPACE PLANNING
21 Dartmouth Street, Somerville, Massachusetts 02145 - 617.623.1833

2.20.20
A-3



	9-11	10-12	13-15	14-16	17-19	18-20
AVERAGE EXISTING GRADE	55.5	54.5	59.0	56.25	58.0	55.18
AVERAGE PROPOSED GRADE	50.75	52.0	52.8	52.8	54.0	53.87
BLDG. HEIGHT ABOVE EXISTING GRADE	25'-3"	27'-3"	23'-9"	26'-6"	25'-9"	28'-6"
BLDG. HEIGHT ABOVE PROPOSED GRADE	29'-6"	29'-9"	29'-9"	29'-11"	29'-9"	29'-9"
ACTUAL ELEVATION ABOVE SEA LEVEL TO PROPOSED RIDGELINE	79.0	80.0	81.0	81.0	82.0	82.0



REVISED 8-31-20

BUILDING HEIGHT CALCULATIONS

SPRING HILL DESIGN

ARCHITECTURE INTERIORS SPACE PLANNING

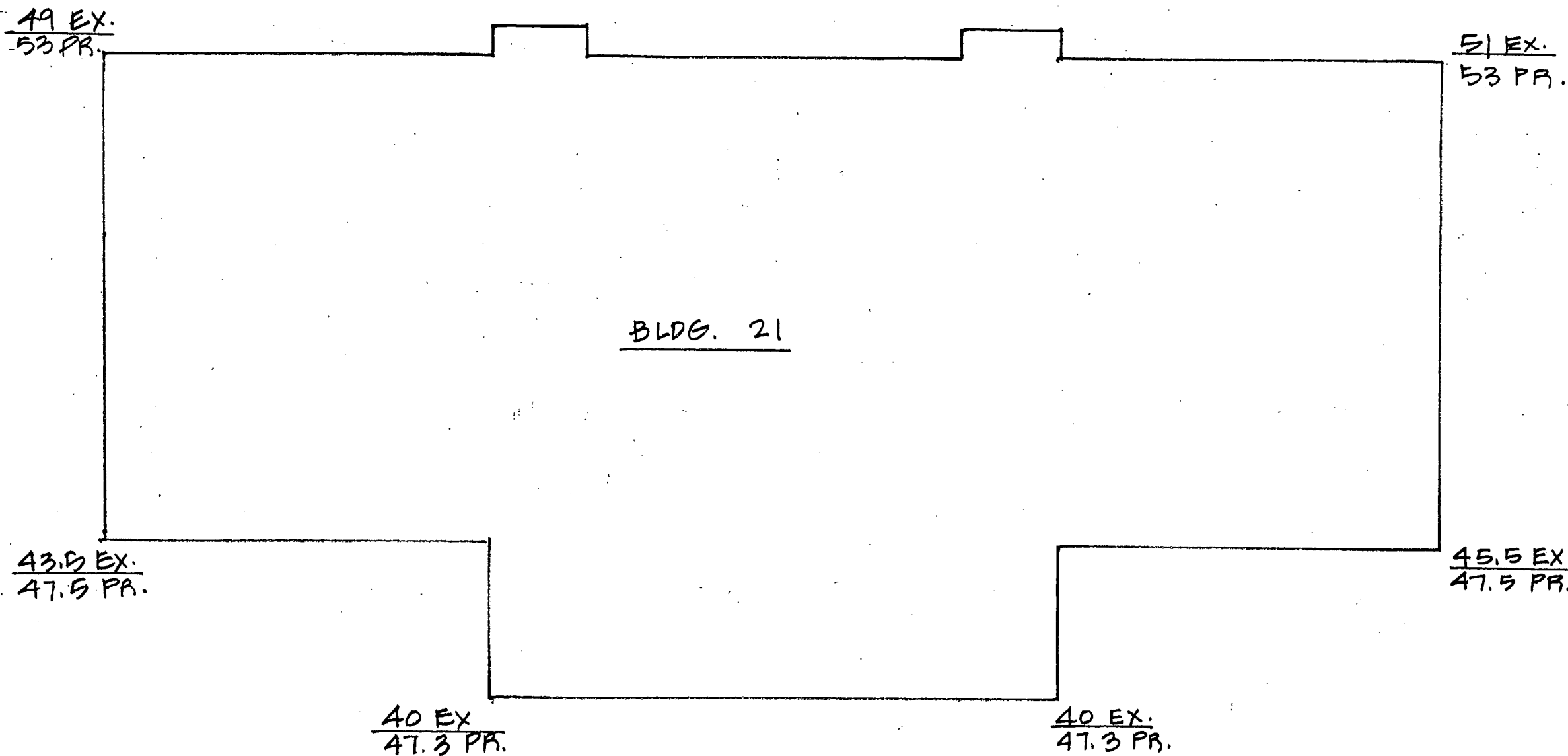
21 Dartmouth Street, Somerville, Massachusetts 02145 - 617.623.1833

2-20-20

A3

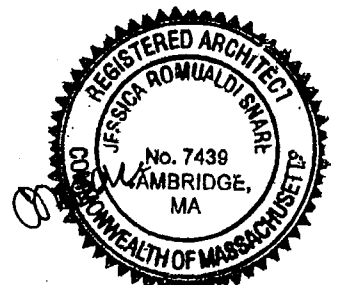
CLOVERLEAF 9-11, 10-12, 13-15, 14-16, 17-19, 18+20
CLOVERLEAF TRURO RENTAL HOUSING

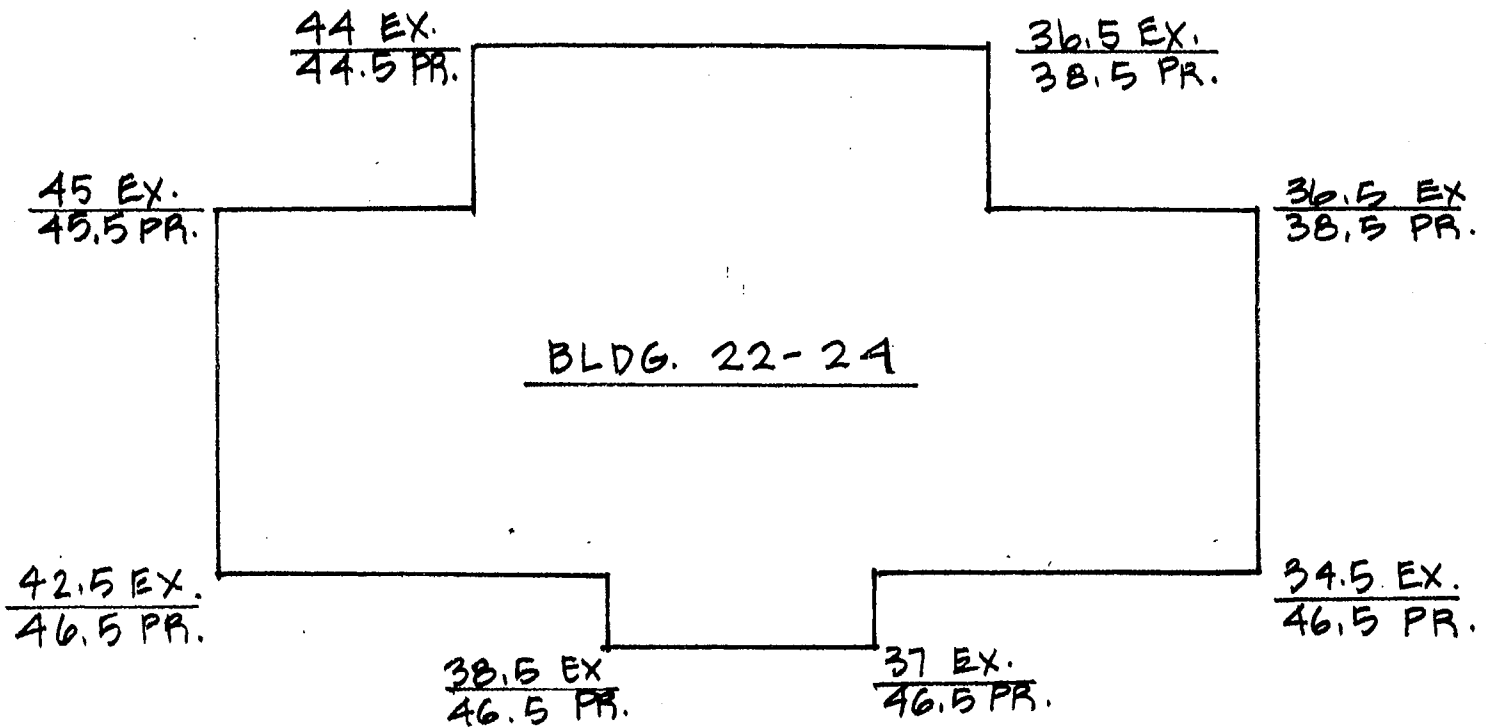
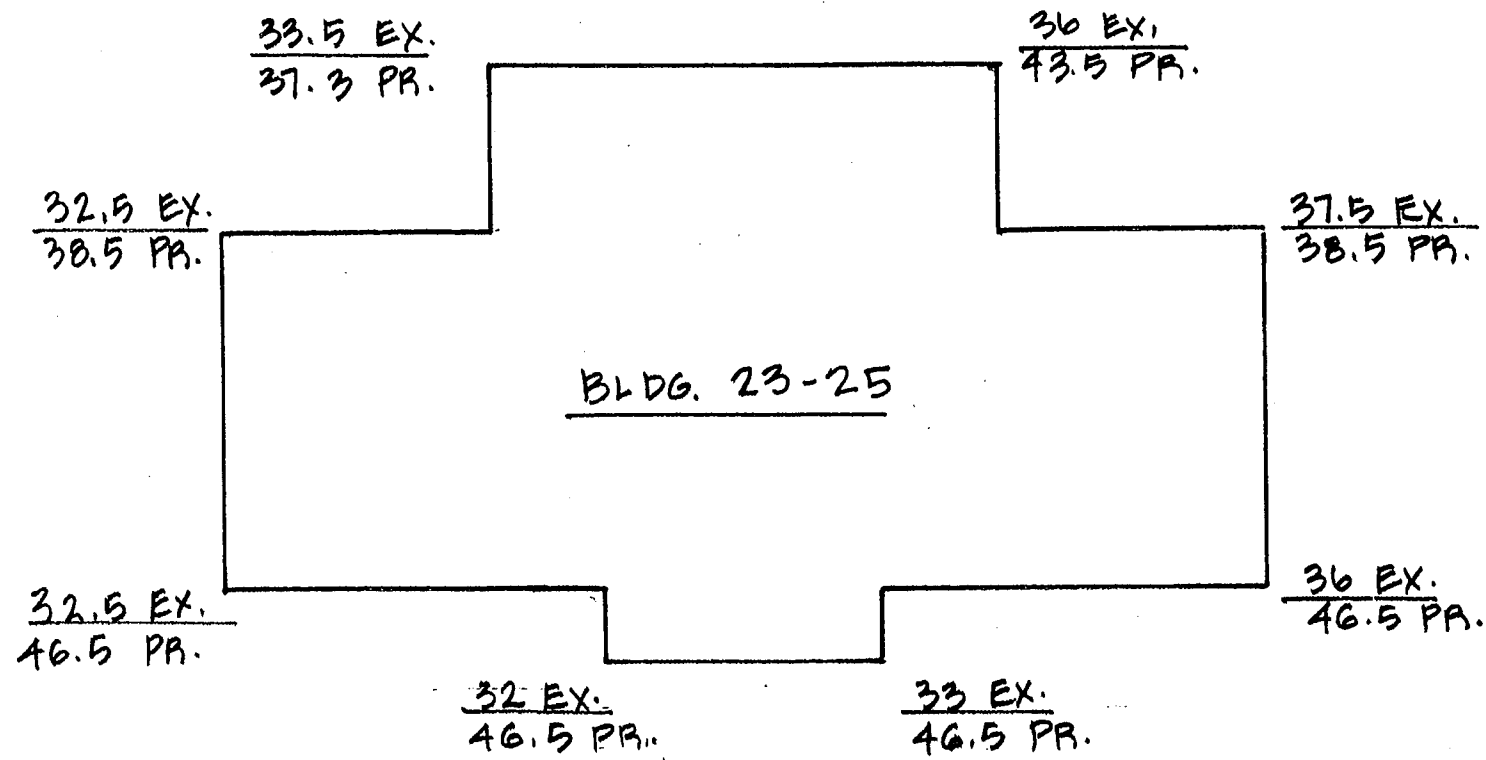
AVERAGE EXISTING GRADE	44.8
AVERAGE PROPOSED GRADE	49.2
BLDG. HEIGHT ABOVE AVG. EXISTING GRADE	21.67
BLDG. HEIGHT ABOVE AVG. PROPOSED GRADE	27.25
ACTUAL ELEVATION ABOVE SEA LEVEL TO PROPOSED RIDGELINE	76.5



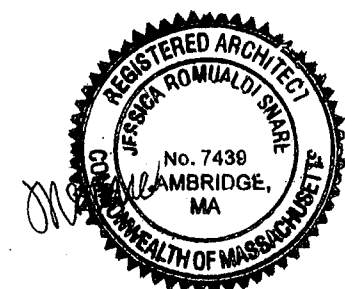
REVISED 8-31-20

BUILDING HEIGHT CALCULATIONS	
CLOVERLEAF BLDG. 21	
CLOVERLEAF TRURO RENTAL HOUSING	
SPRING HILL DESIGN	
ARCHITECTURE INTERIORS SPACE PLANNING	
21 Dartmouth Street Somerville, Massachusetts 02145 - 617.623.1833	
2-20-20	
A3	





	23-25	22-24
AVERAGE EXISTING GRADE	34.75	39.7
AVERAGE PROPOSED GRADE	43.0	44.12
BLDG. HEIGHT ABOVE EXISTING GRADE (AVG.)	36'-11"	31'-11"
BLDG. HEIGHT ABOVE PROPOSED GRADE (AVG.)	28'-8"	29'-6"
ACTUAL ELEVATION ABOVE SEA LEVEL TO PROPOSED RIDGELINE	71.8	71.8



BUILDING HEIGHT CALCULATIONS
 CLOVERLEAF 22-24, 23-25
 CLOVERLEAF TRURO RENTAL HOUSING

SPRING HILL DESIGN
 ARCHITECTURE INTERIORS SPACE PLANNING
 21 Dartmouth Street Somerville, Massachusetts 02145 - 617.623.1833

2-20-20
 A3



CLOVERLEAF TRURO RENTAL HOUSING
BUILDINGS 1-3, 2-4, AND 6-8 (Buildings may be mirrored)
Truro, Massachusetts

Friday, September 4, 2020

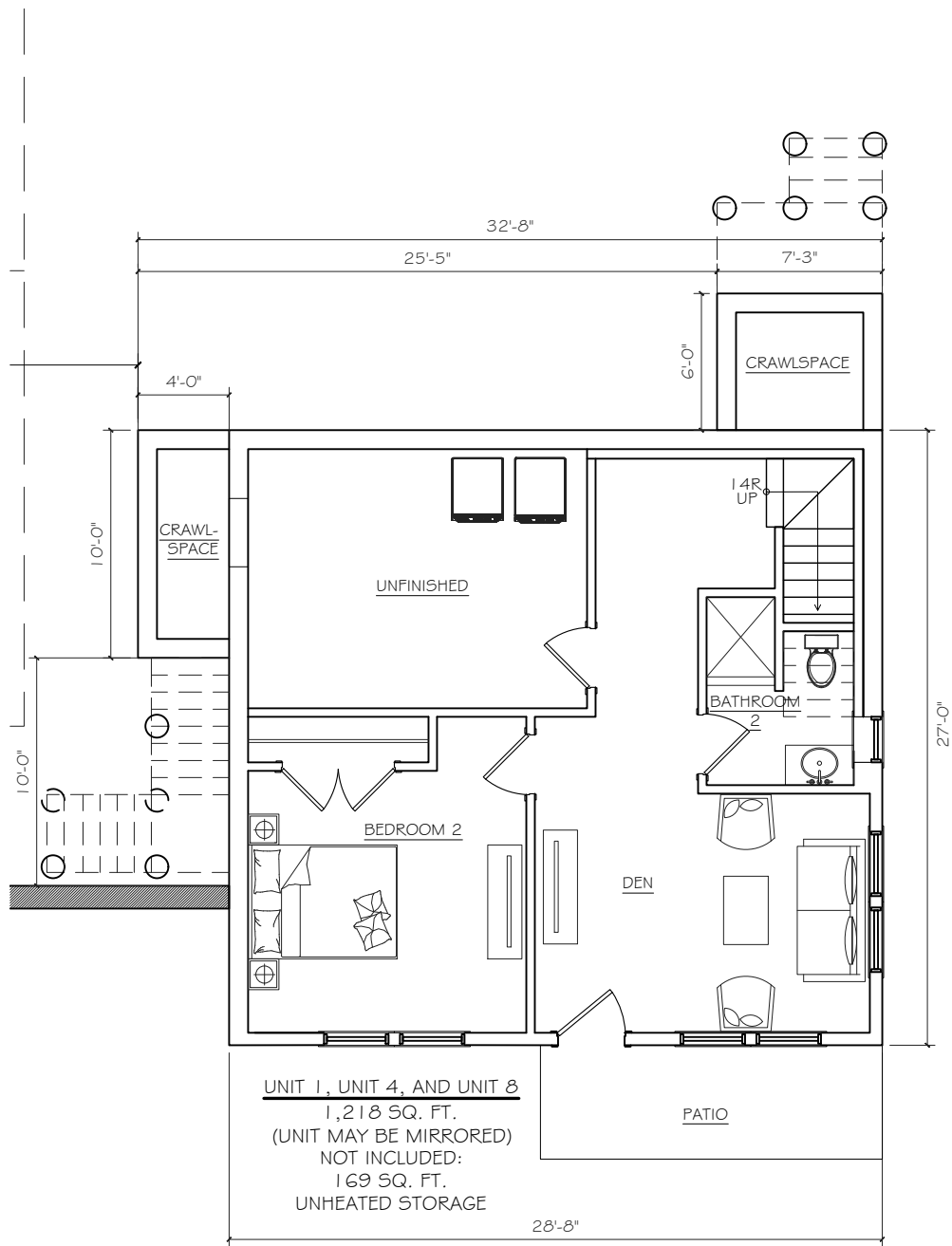
Spring Hill Design

INTERIORS

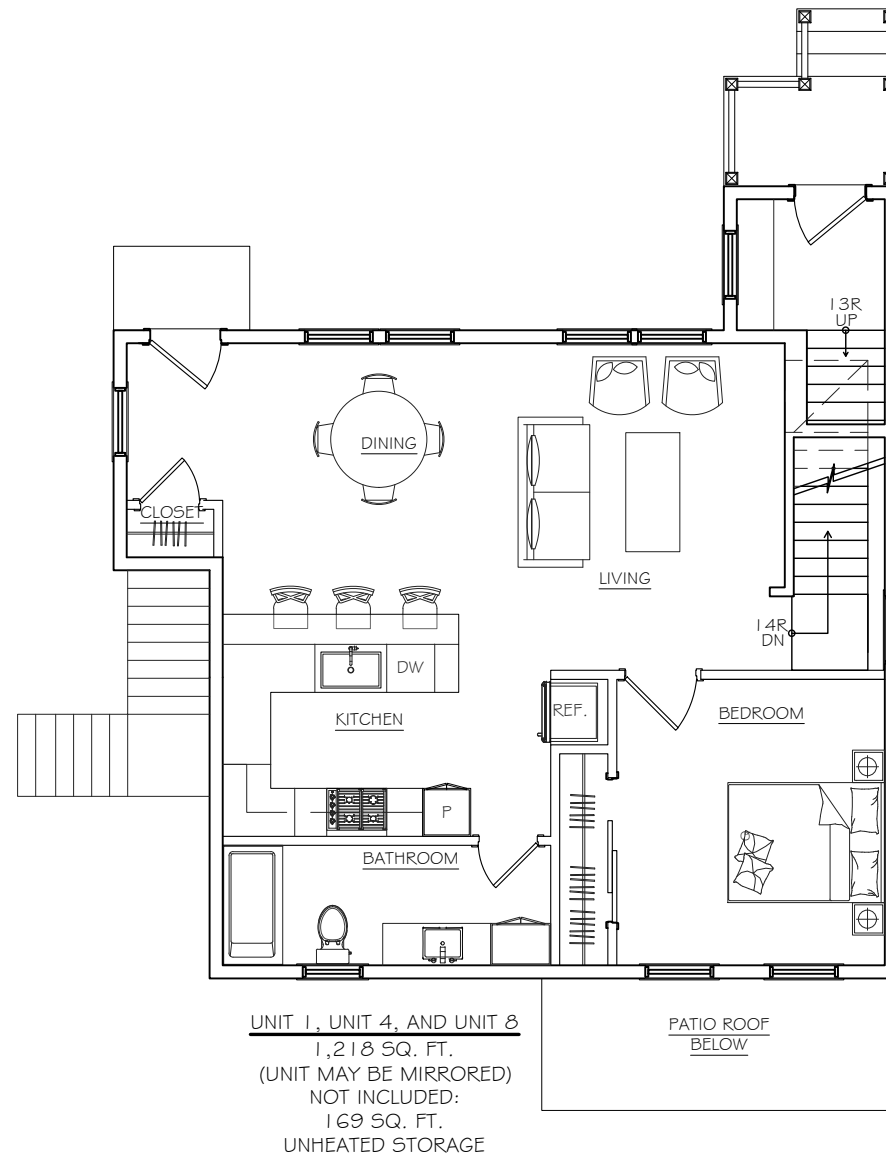
ARCHITECTURE

SPACE PLANNING

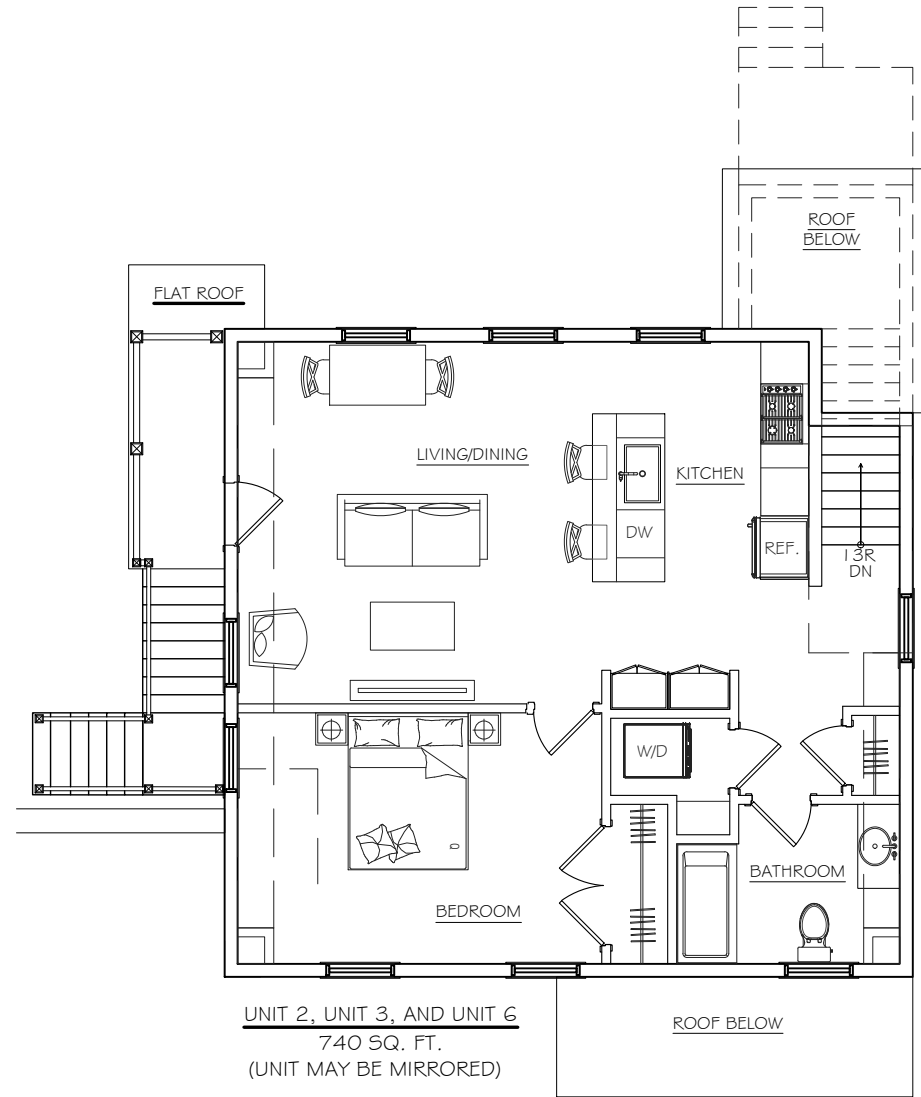
158 Central Street, Somerville, MA, 02145 ~ 617.6702.4622



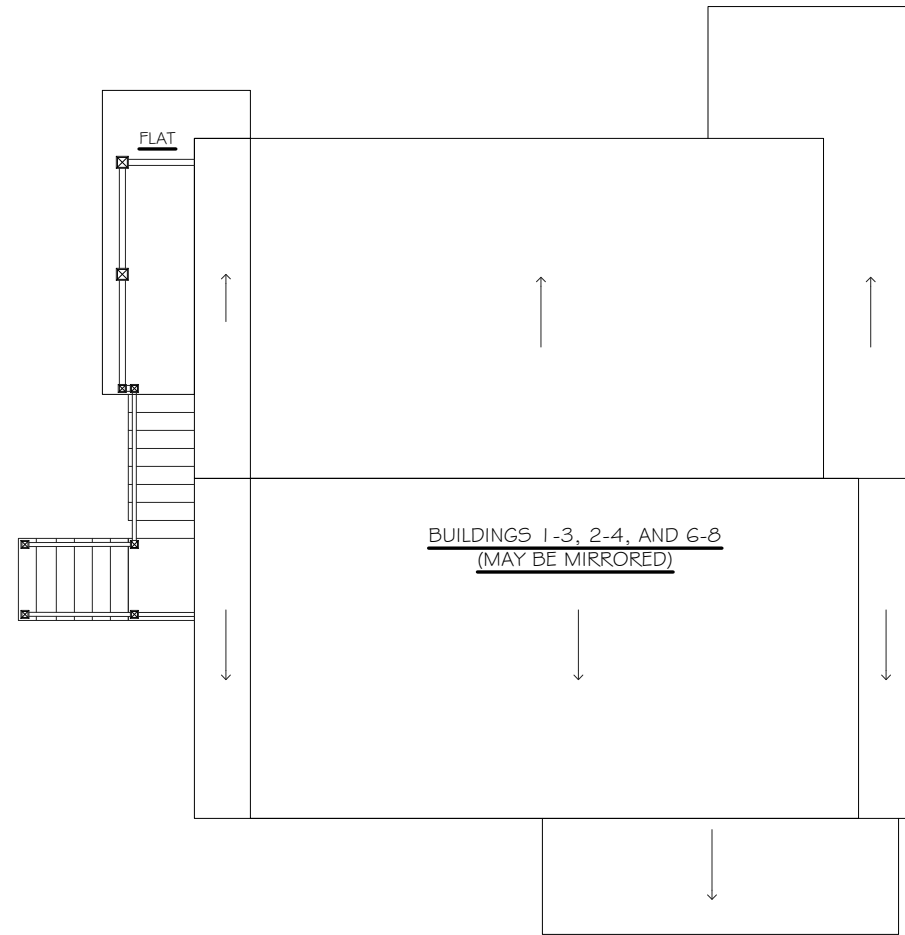
1 FIRST/GARDEN LEVEL PLAN UNIT 1, UNIT 4, AND UNIT 8
SCALE: 1/8" = 1'-0"



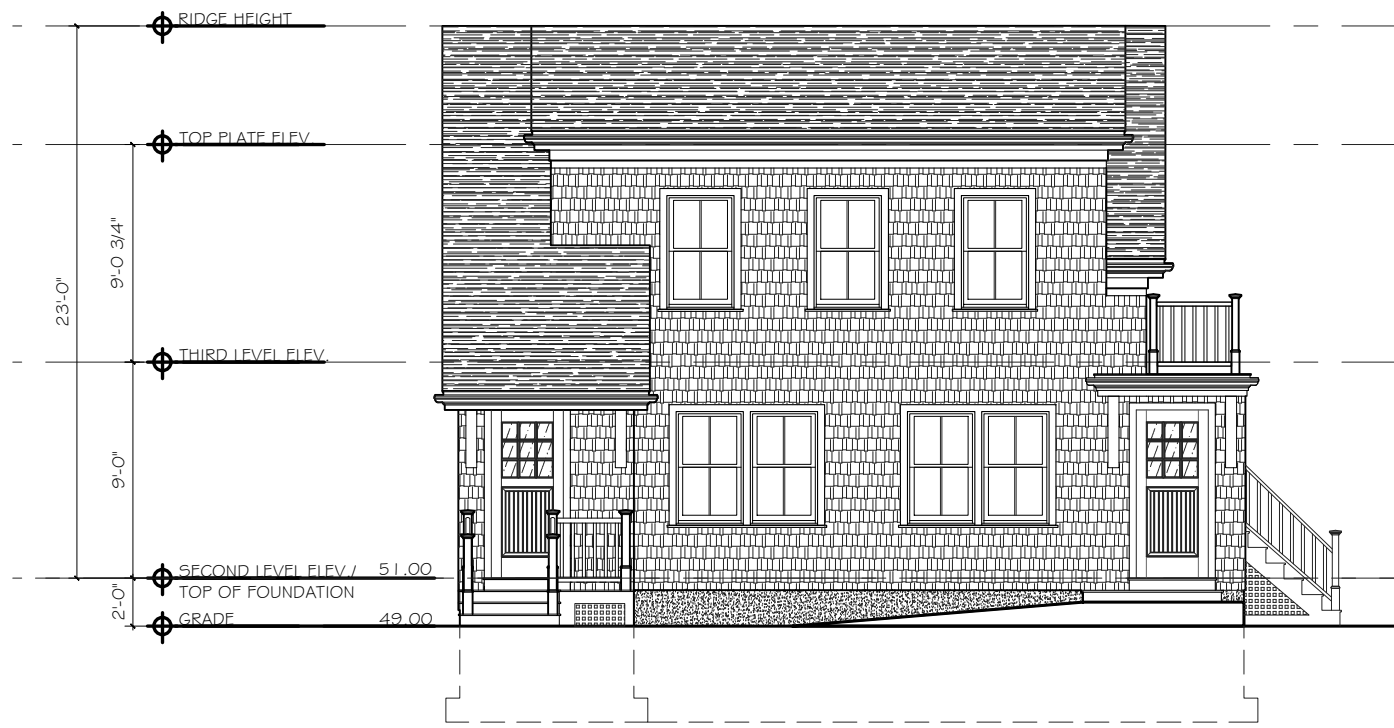
2 SECOND/MAIN ENTRY LEVEL PLAN UNIT 1, UNIT 4, AND UNIT 8
SCALE: 1/8" = 1'-0"



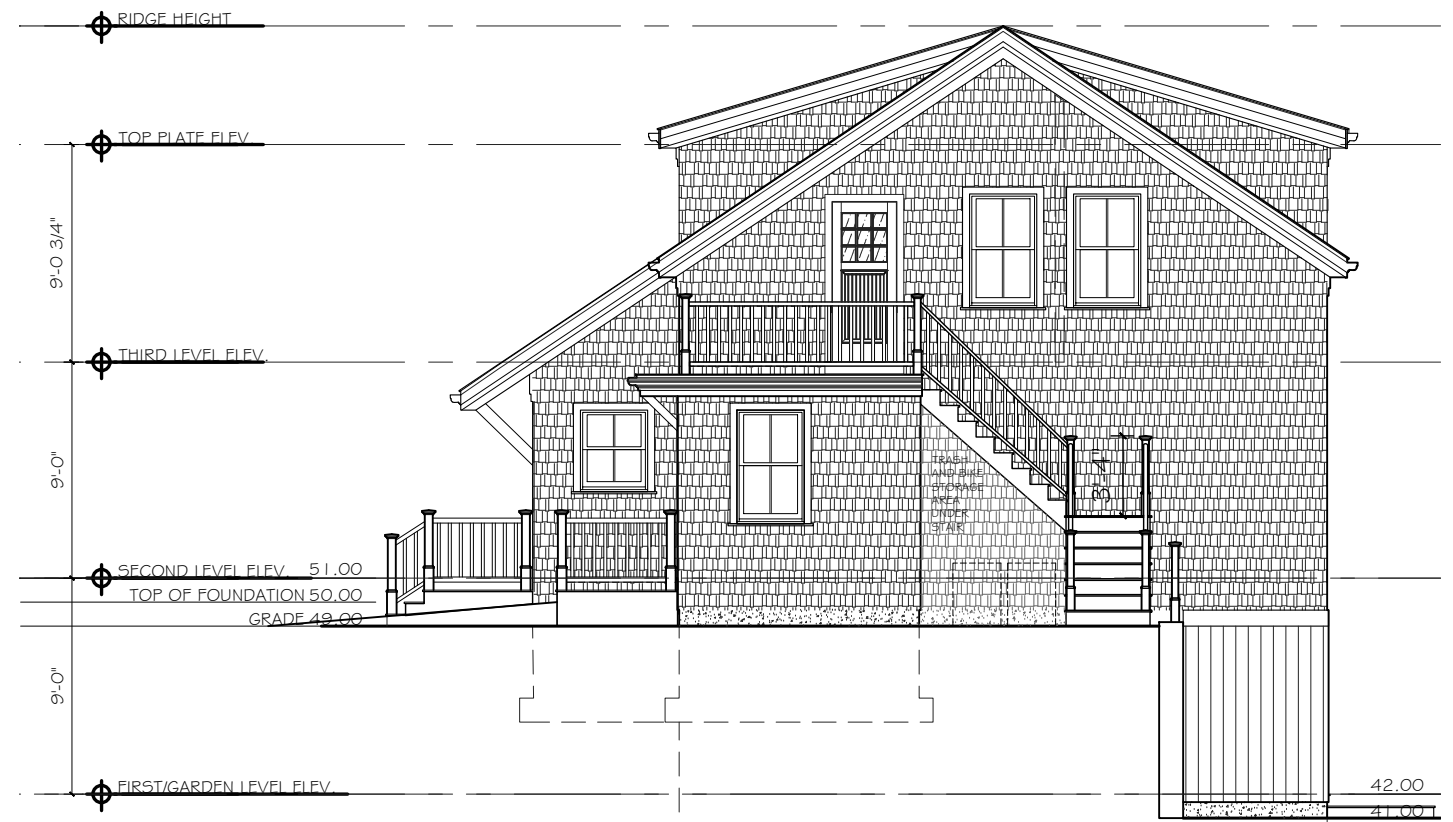
1 THIRD LEVEL PLAN UNIT 2, UNIT 3, AND UNIT 6
SCALE: 1/8" = 1'-0"



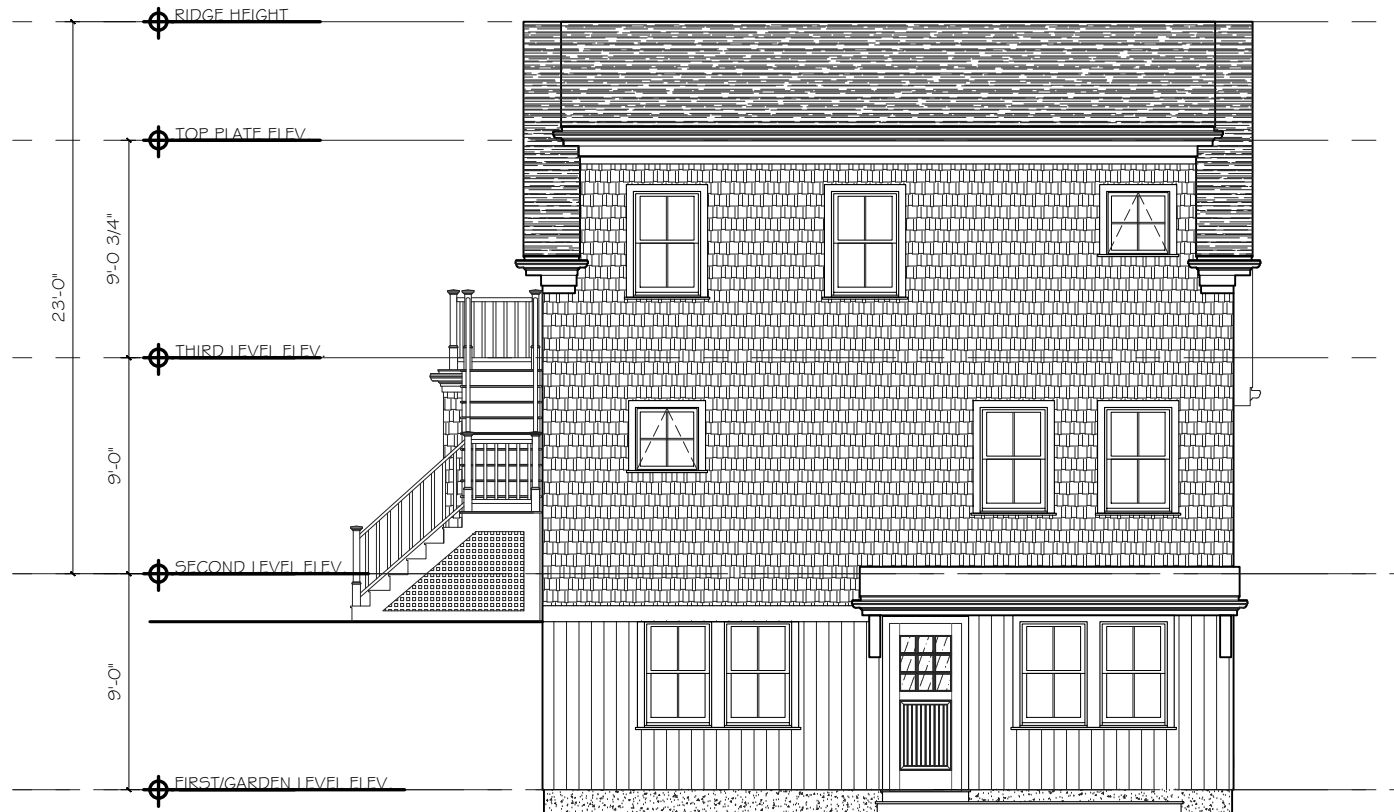
2 BUILDINGS 1-3, 2-4, AND 6-8 ROOF PLAN
SCALE: 1/8" = 1'-0"



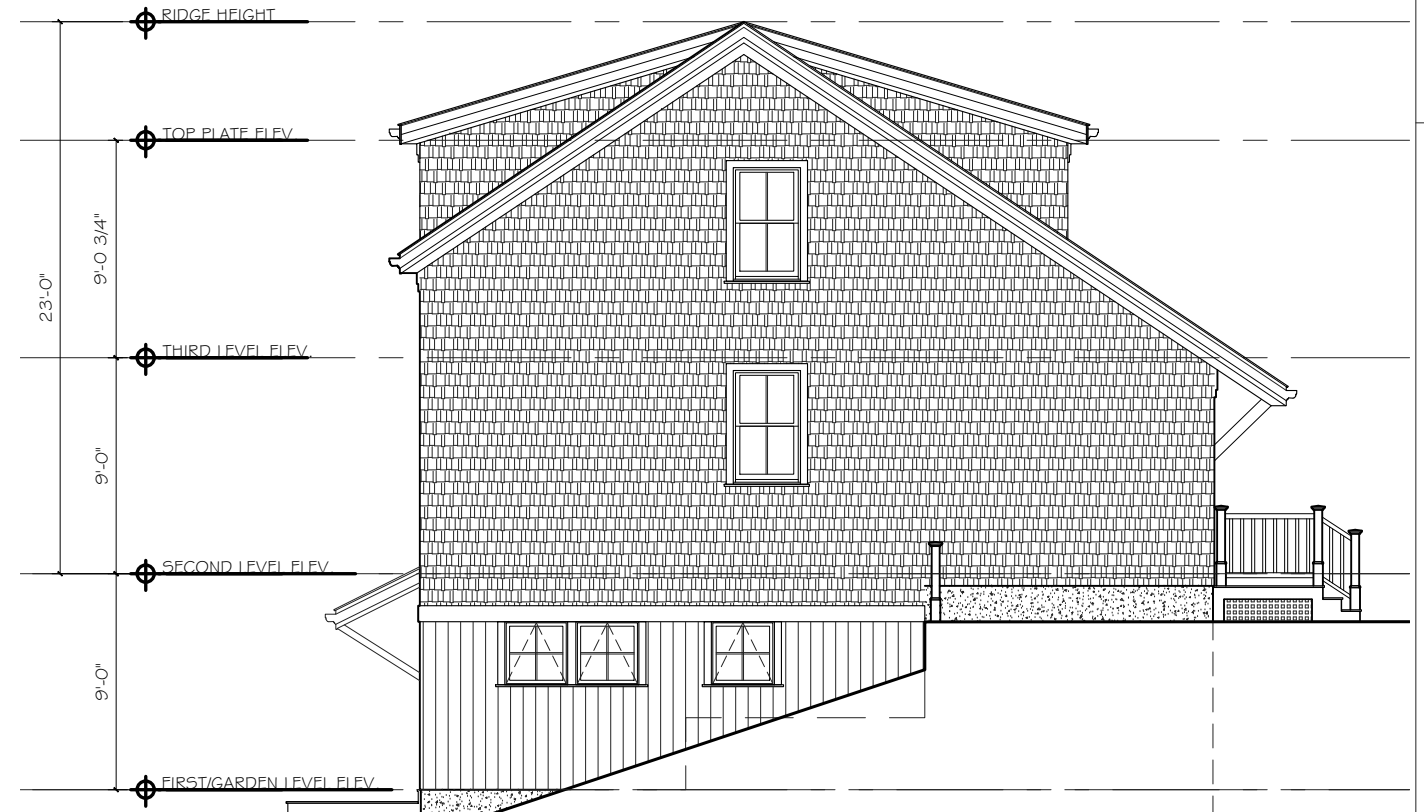
1 FRONT ELEVATION
SCALE: 1/8" = 1'-0"



2 RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



3 BACK ELEVATION
SCALE: 1/8" = 1'-0"



4 LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"

DATE:
09.04.20

FRONT ELEVATION
CLOVERLEAF BUILDINGS 1-3, 2-4, AND 6-8
CLOVERLEAF TRURO RENTAL HOUSING

SPRING HILL DESIGN
ARCHITECTURE INTERIORS SPACE PLANNING
158 Central Street, Somerville, MA, 02145 ~ 617.6702.4622

1/4" = 1'-0"

A2.1



**CLOVERLEAF TRURO RENTAL HOUSING
BUILDING 22-24 AND 23-25(MIRRORED)**
Truro, Massachusetts

Friday, September 4, 2020

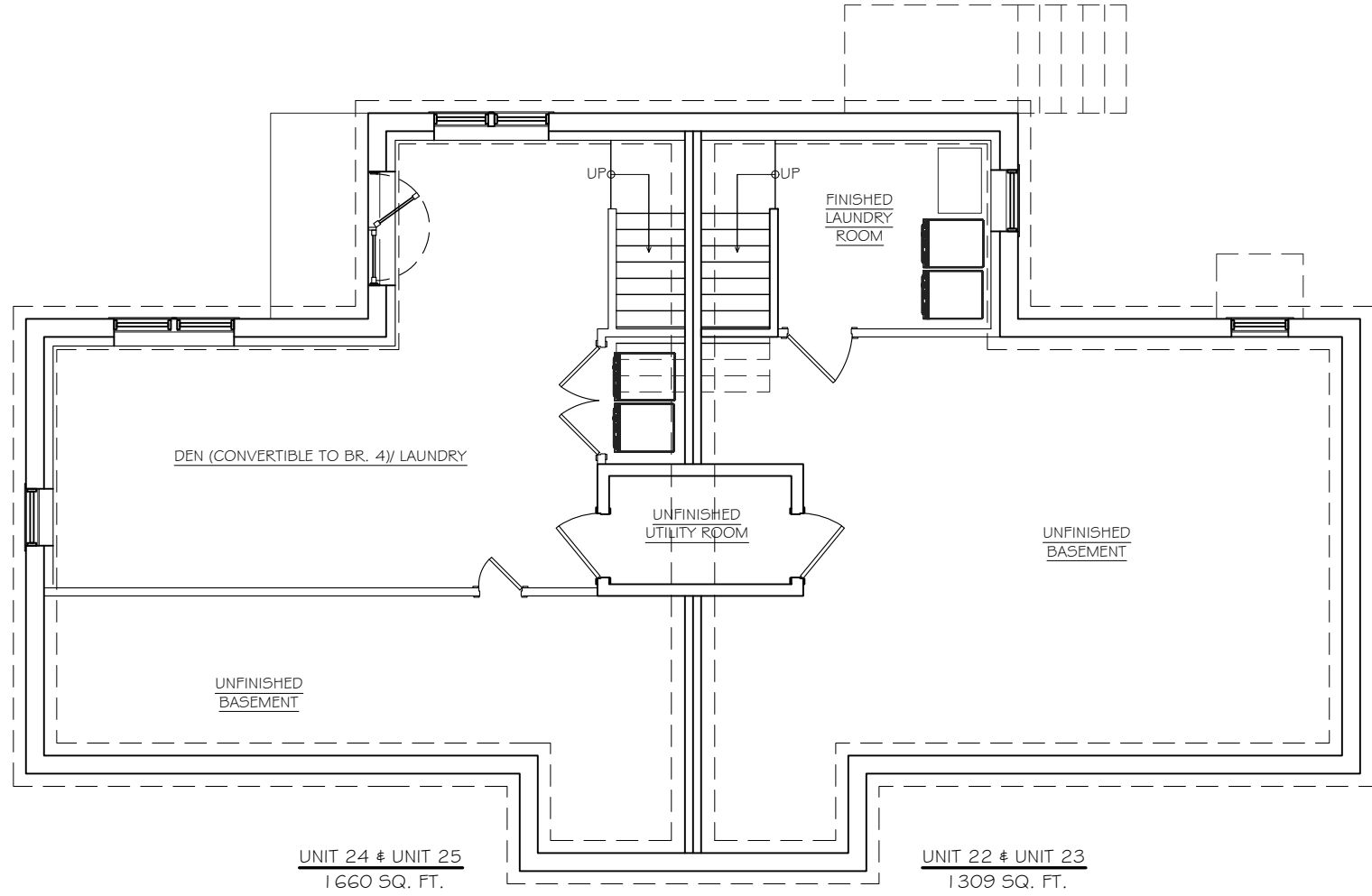
Spring Hill Design

INTERIORS

ARCHITECTURE

SPACE PLANNING

158 Central Street, Somerville, MA, 02145 ~ 617.6702.4622



1 BASEMENT FLOOR PLAN
SCALE: 1/8" = 1'-0"

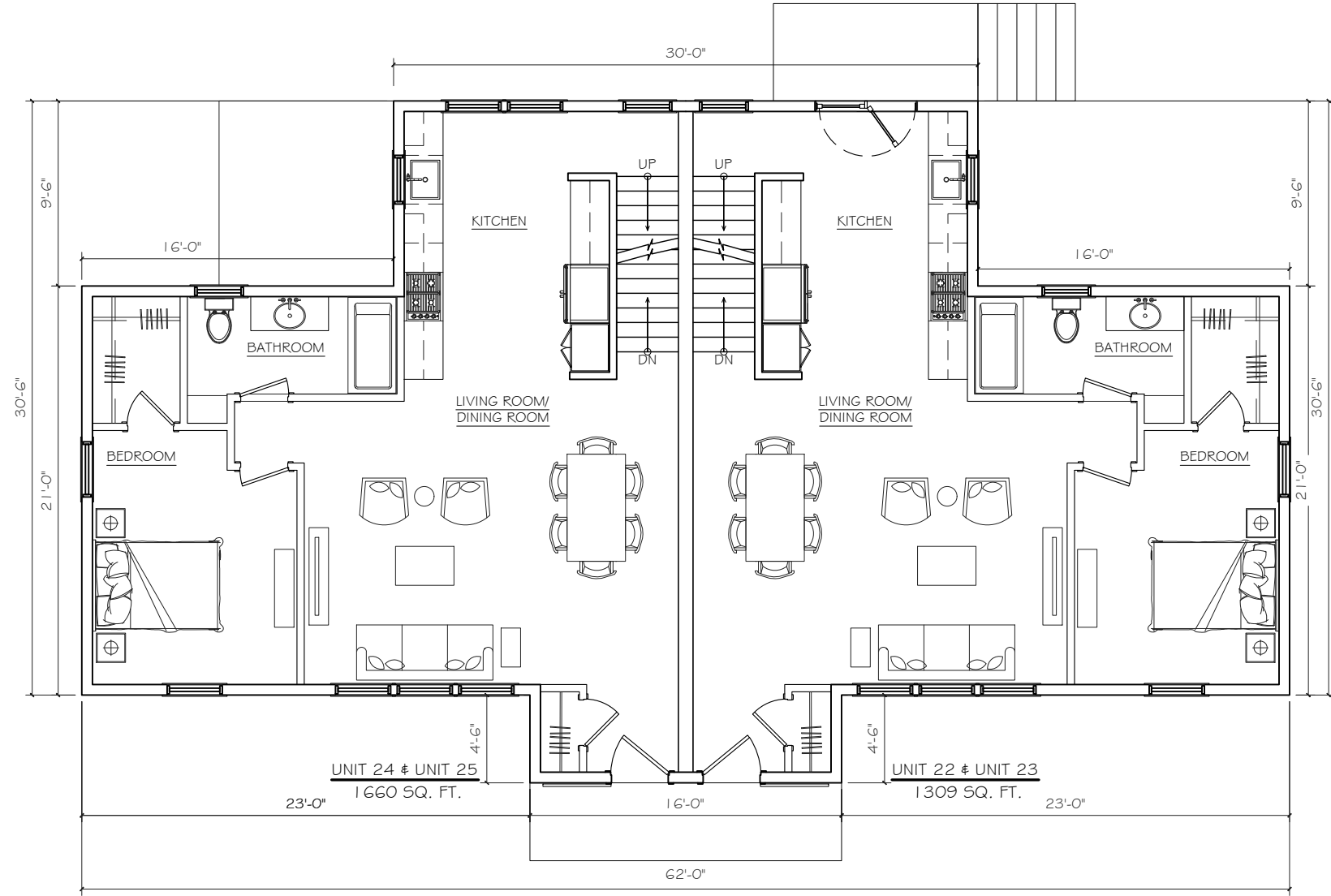
DATE:
09.04.20

BASEMENT FLOOR PLAN
CLOVERLEAF BUILDING 22-24 AND 23-25 (MIRRORED)
CLOVERLEAF TRURO RENTAL HOUSING

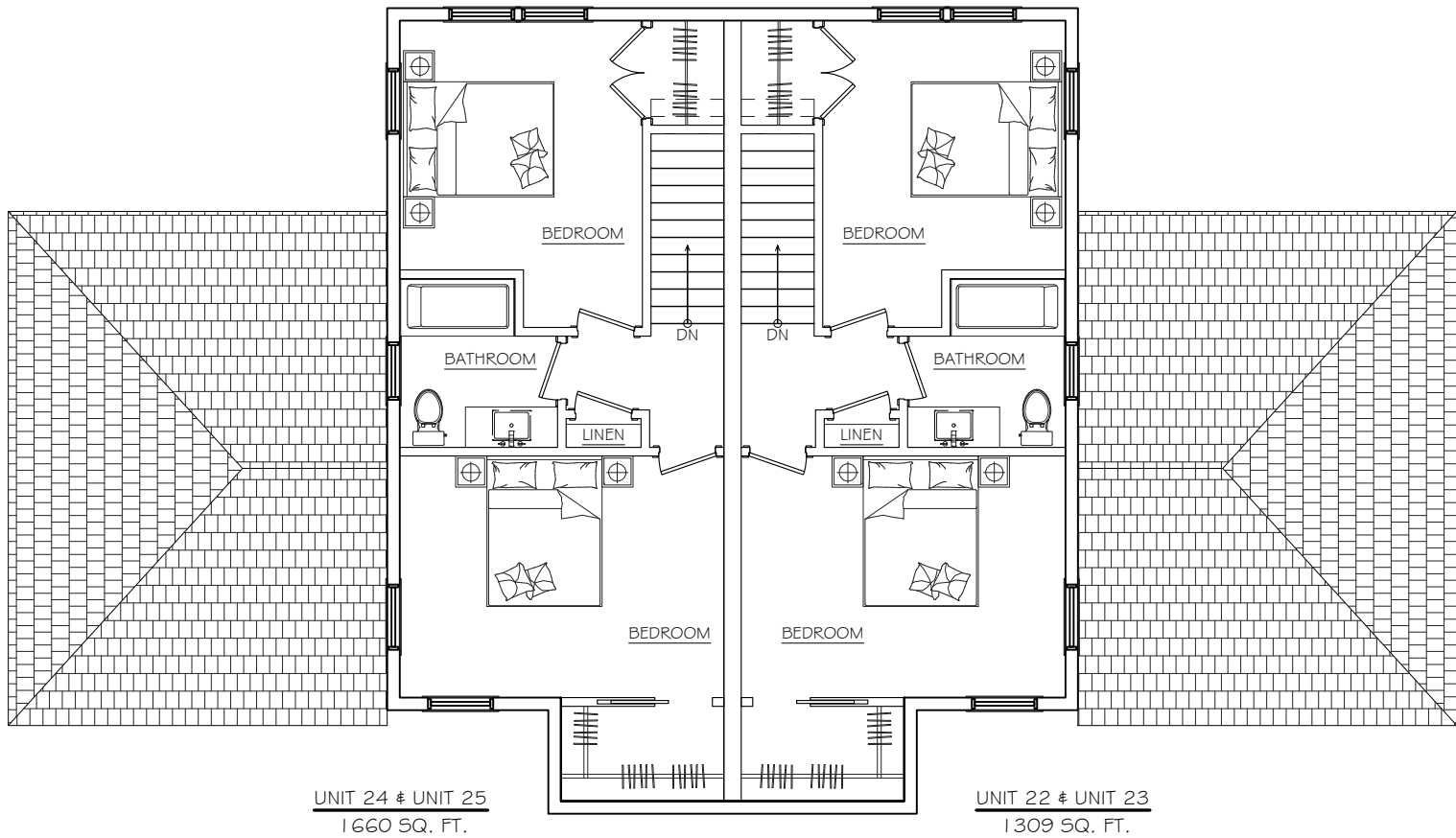
S P R I N G H I L L D E S I G N
ARCHITECTURE INTERIORS SPACE PLANNING
138 Central Street, Somerville, MA, 02145 ~ 617.6702.4622

1/8" = 1'-0"

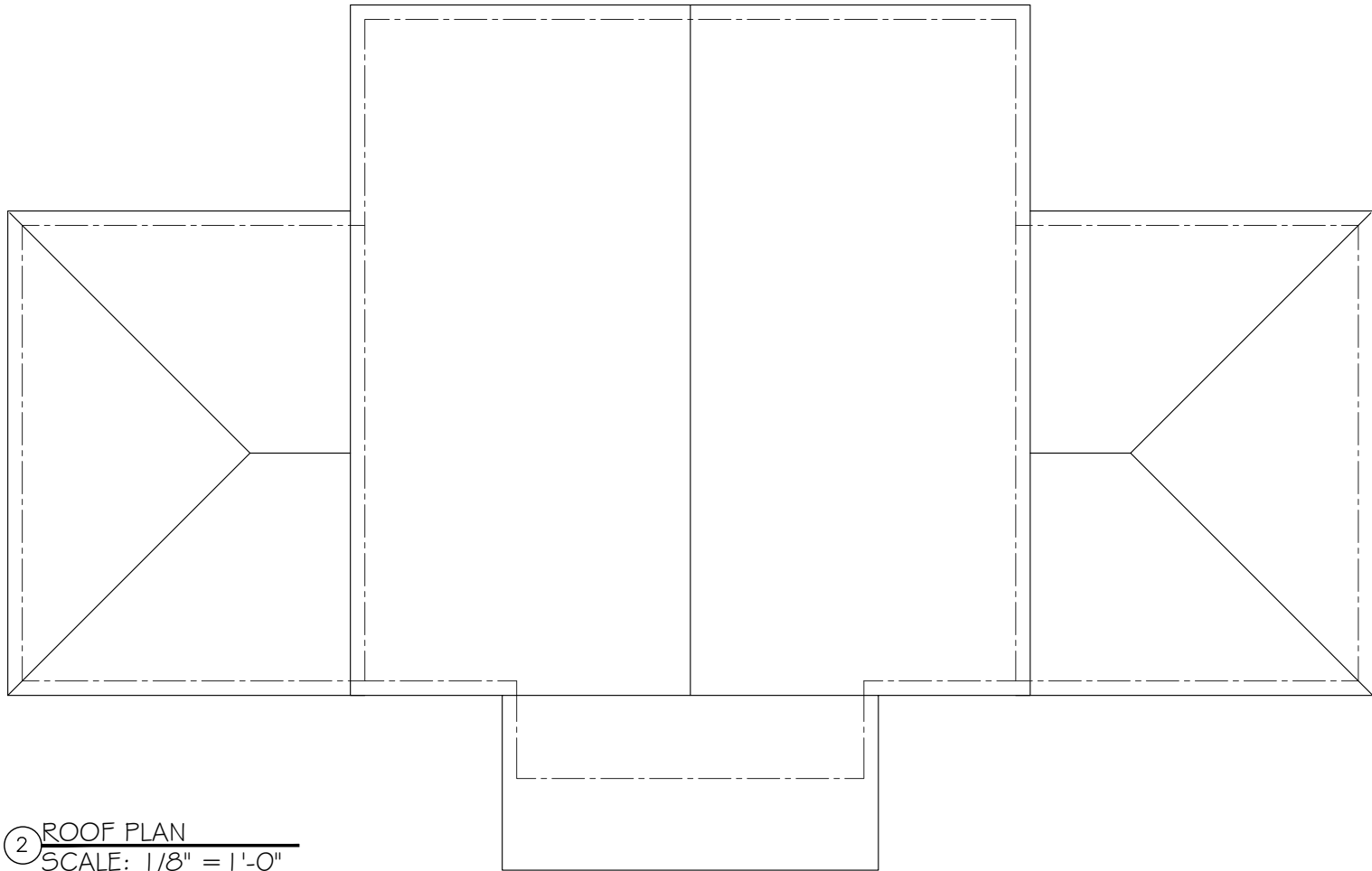
A1.0



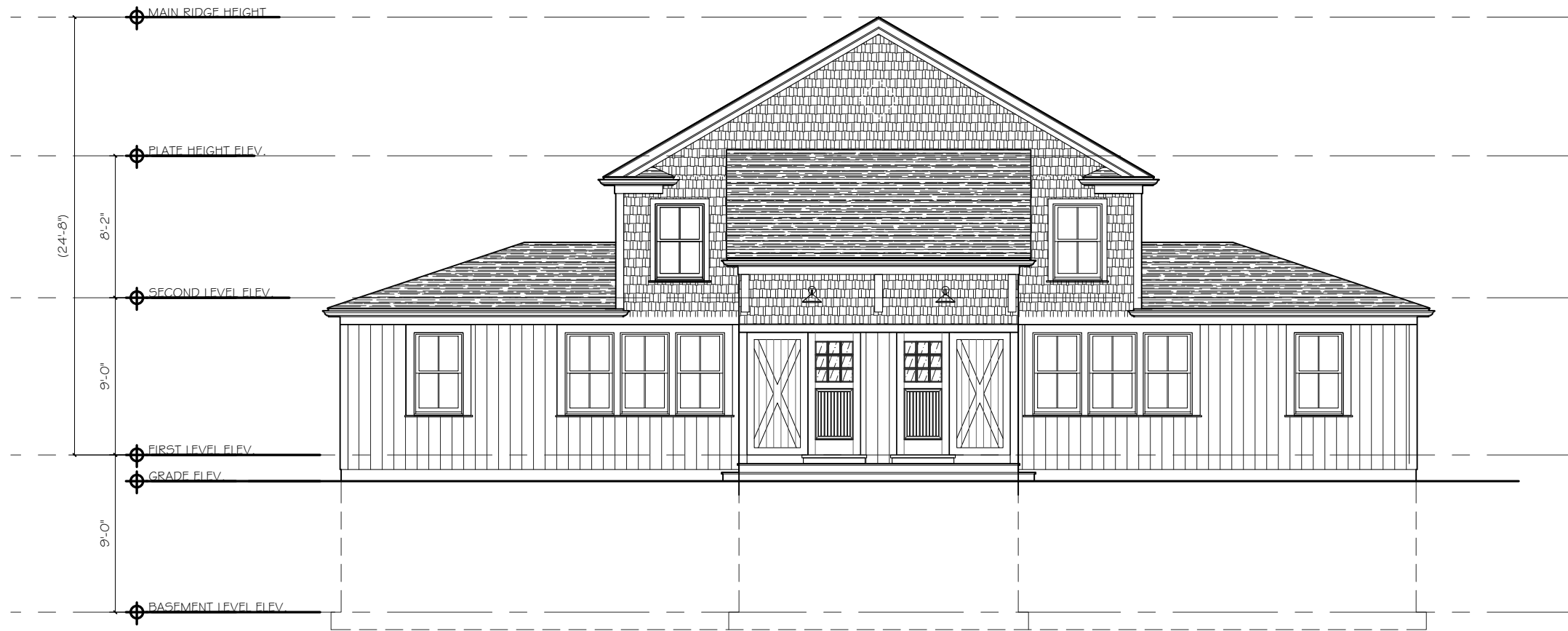
1 FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"



1 SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"



2 ROOF PLAN
SCALE: 1/8" = 1'-0"



1 FRONT ELEVATION
SCALE: 1/8" = 1'-0"



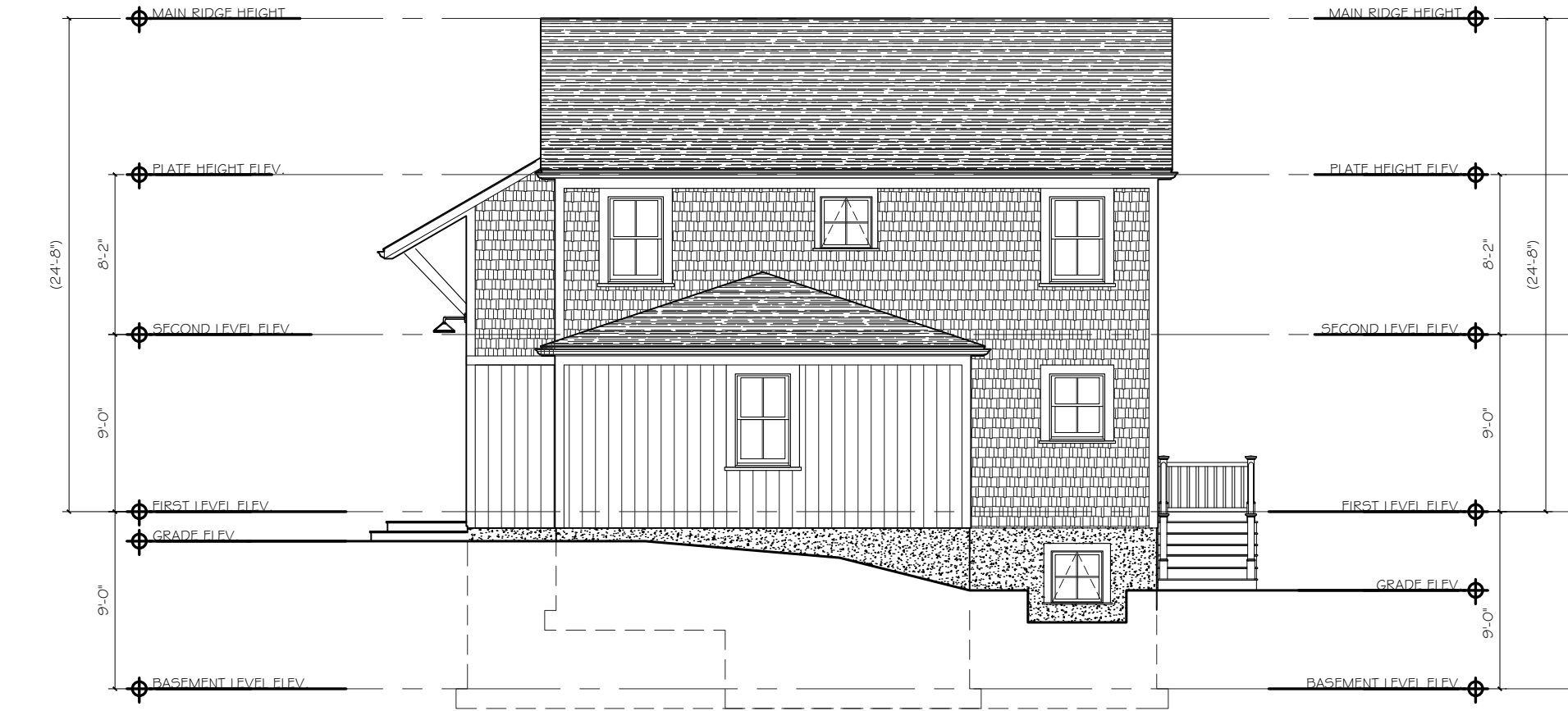
1 BACK ELEVATION
SCALE: 1/8" = 1'-0"

DATE:
09.04.20

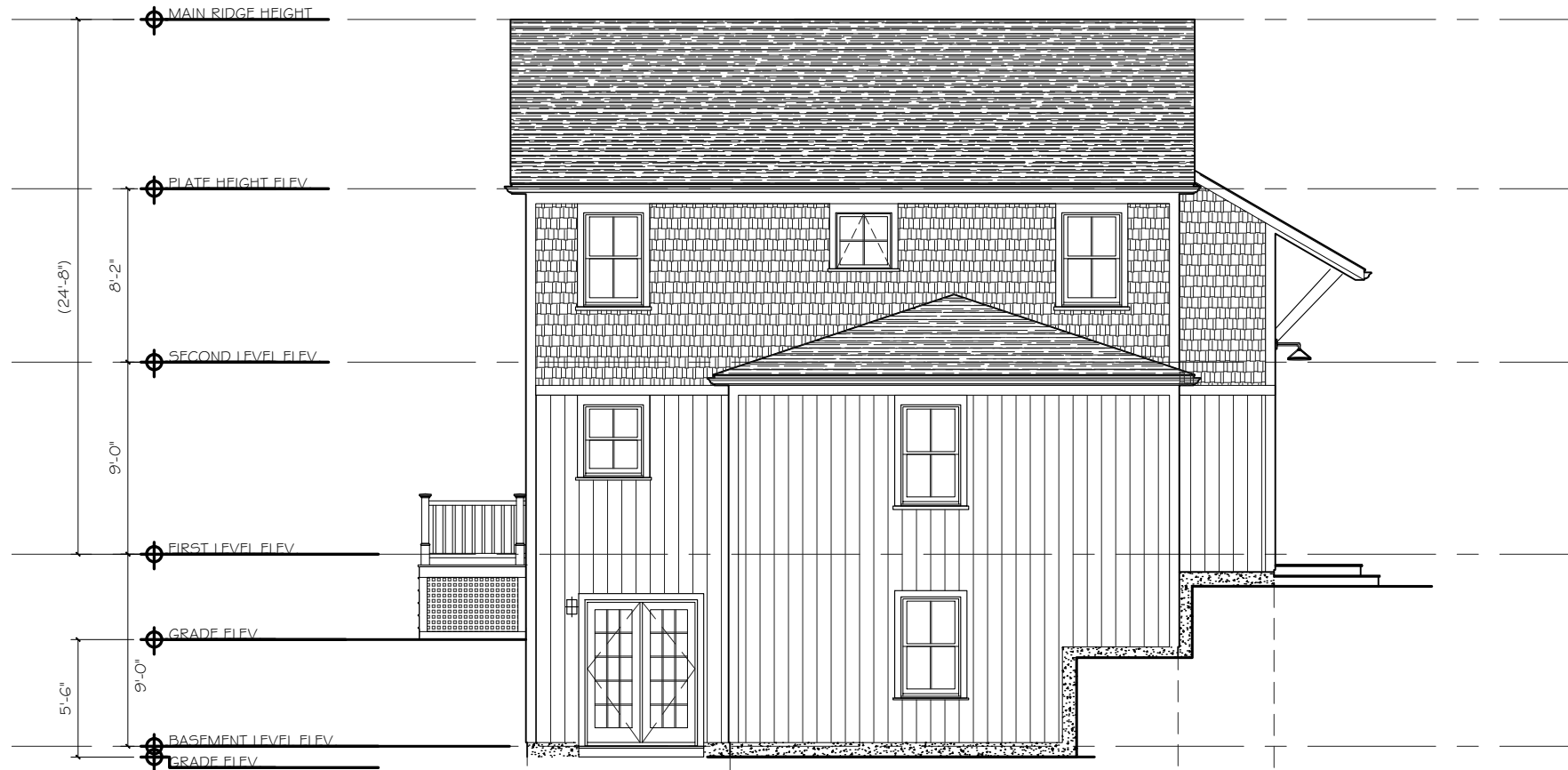
FRONT AND BACK ELEVATIONS
CLOVERLEAF BUILDING 22-24 AND 23-25 (MIRRORED)
CLOVERLEAF TRURO RENTAL HOUSING

SPRING HILL DESIGN
ARCHITECTURE INTERIORS SPACE PLANNING
138 Central Street, Somerville, MA, 02145 ~ 617.6702.4622

1/8" = 1'-0"



1 LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



1 RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0"

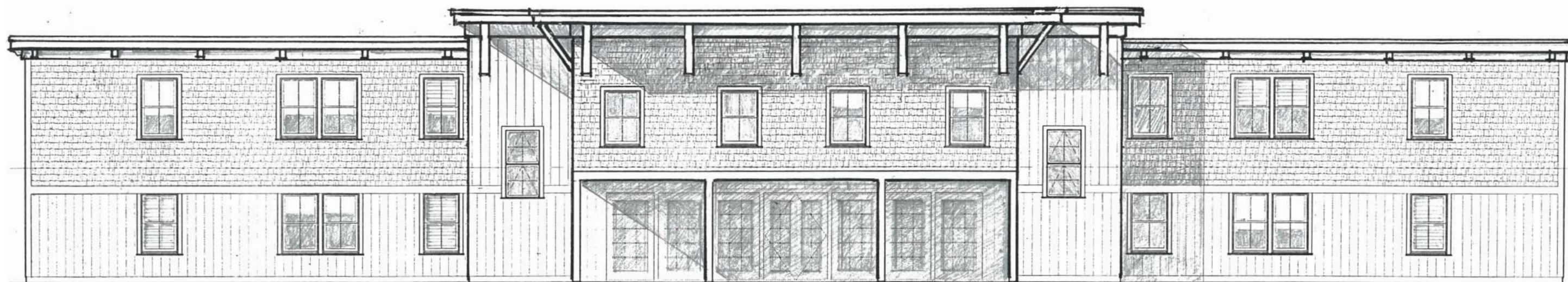
SIDE ELEVATIONS

CLOVERLEAF BUILDING 22-24 AND 23-25 (MIRRORED)
CLOVERLEAF TRURO RENTAL HOUSING

SPRING HILL DESIGN
ARCHITECTURE INTERIORS SPACE PLANNING
158 Central Street, Somerville, MA, 02145 ~ 617.6702.4622

DATE:
09.04.20

1/8" = 1'-0"



CLOVERLEAF RENTAL HOUSING BUILDING 21

Truro, Massachusetts

Friday, September 4, 2020

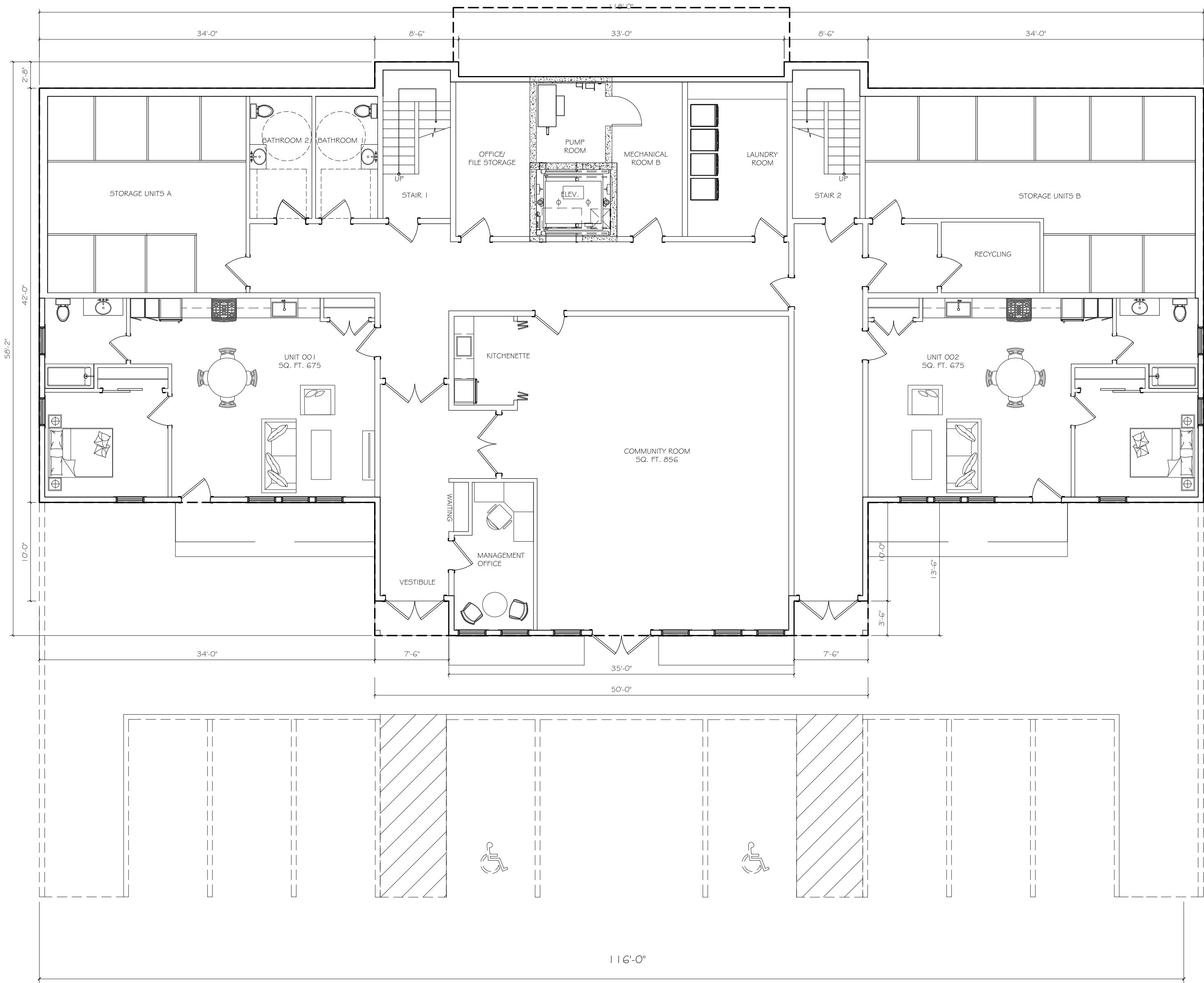
Spring Hill Design

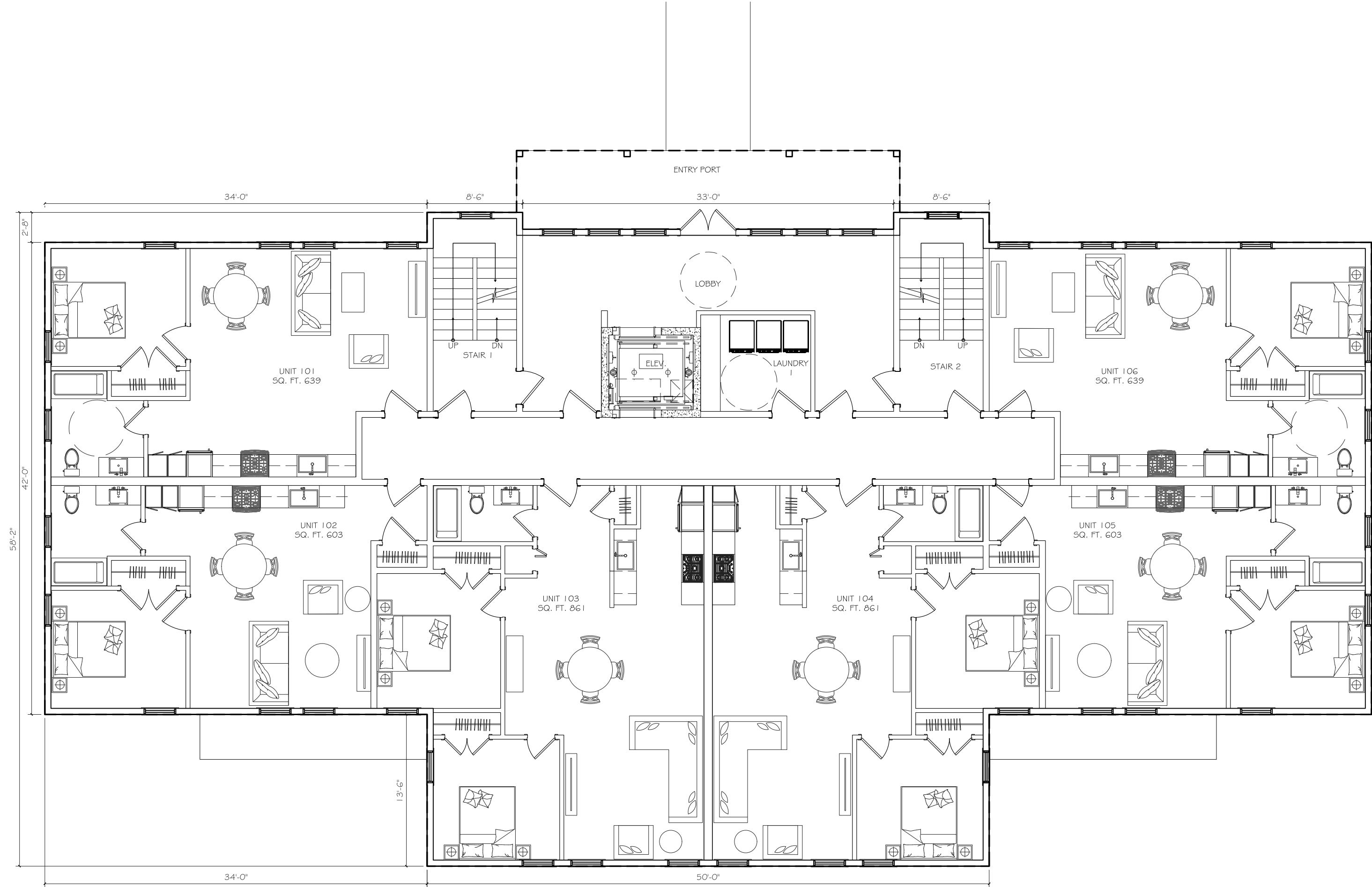
INTERIORS

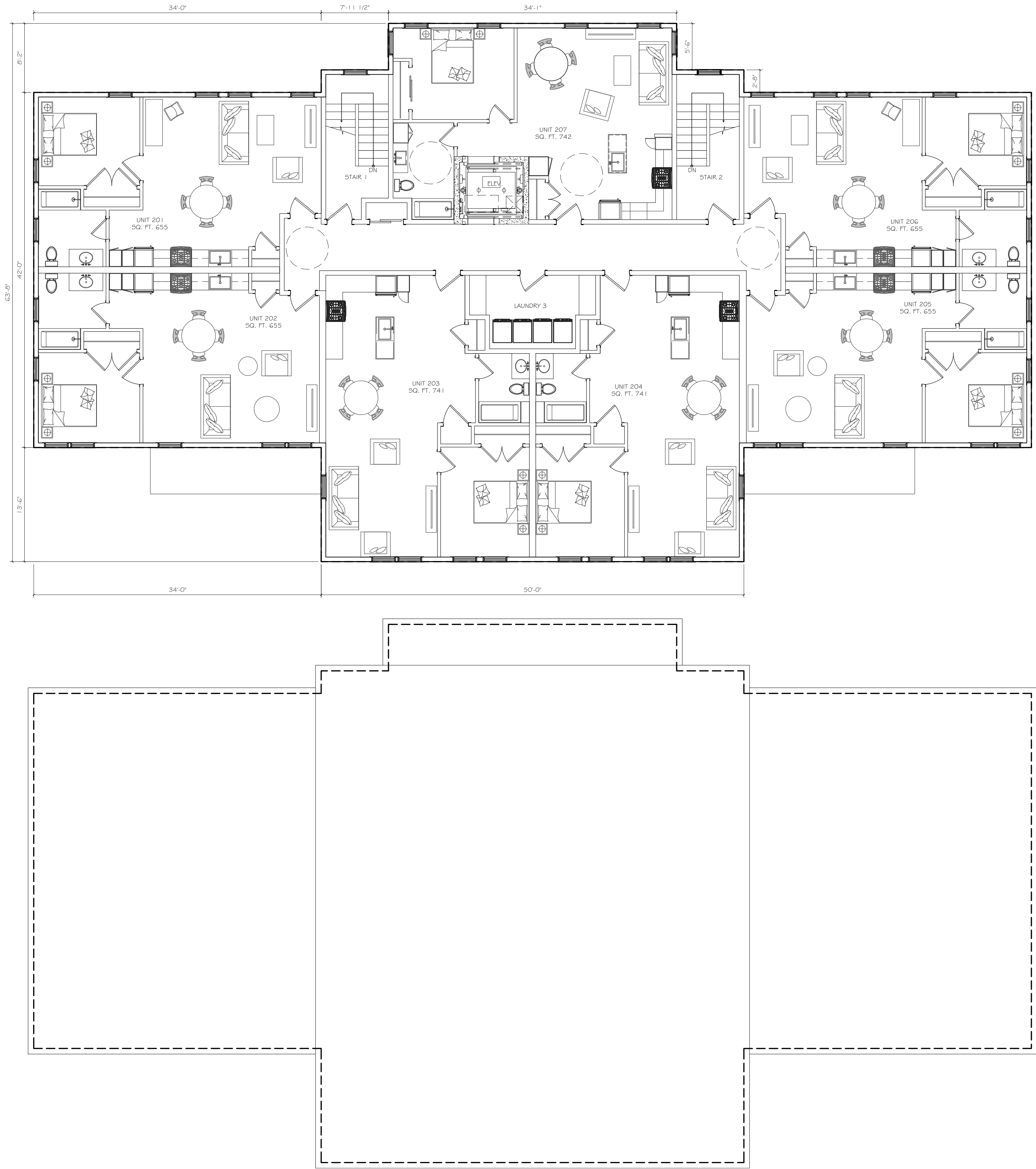
ARCHITECTURE

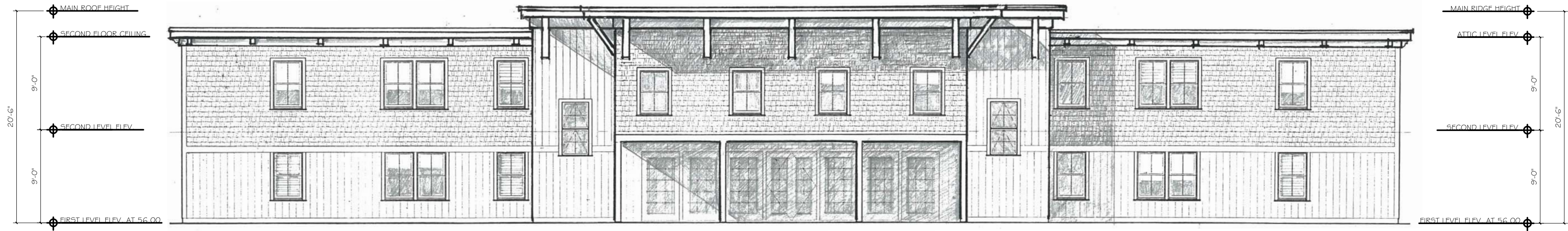
SPACE PLANNING

158 Central Street, Somerville, MA, 02145 ~ 617.6702.4622

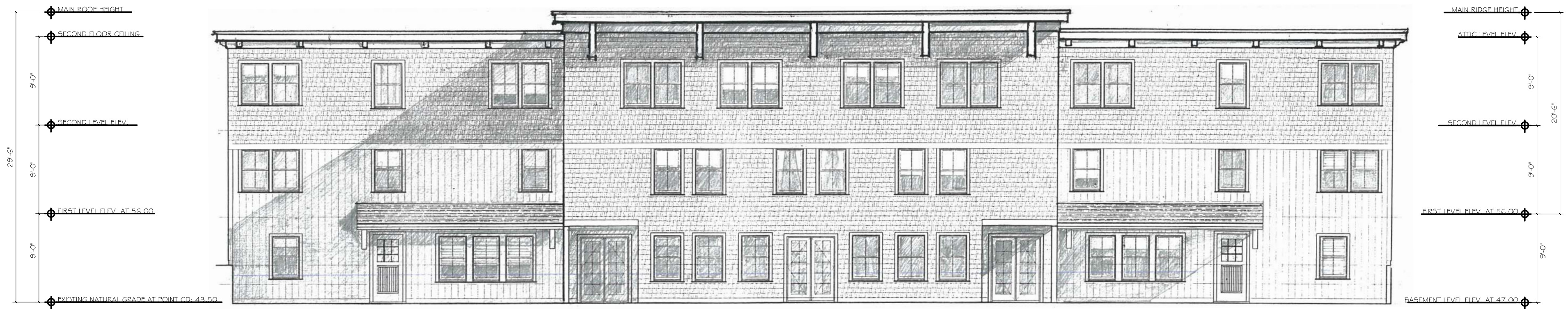




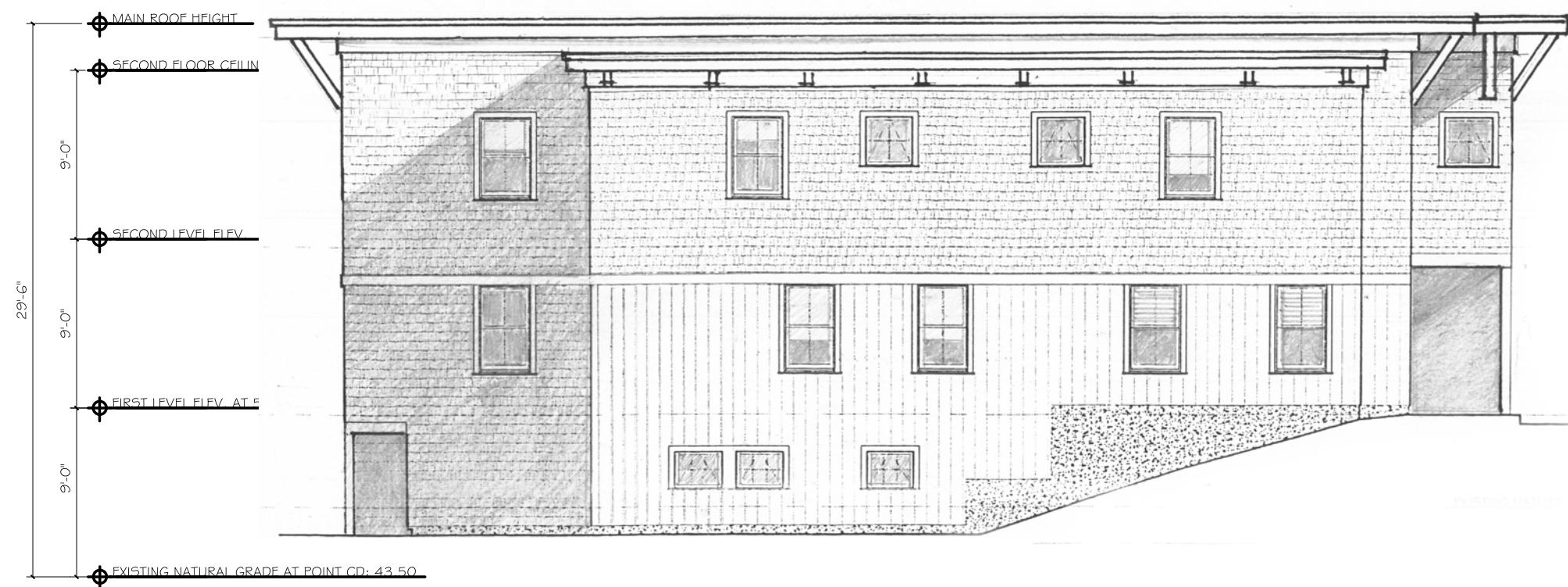




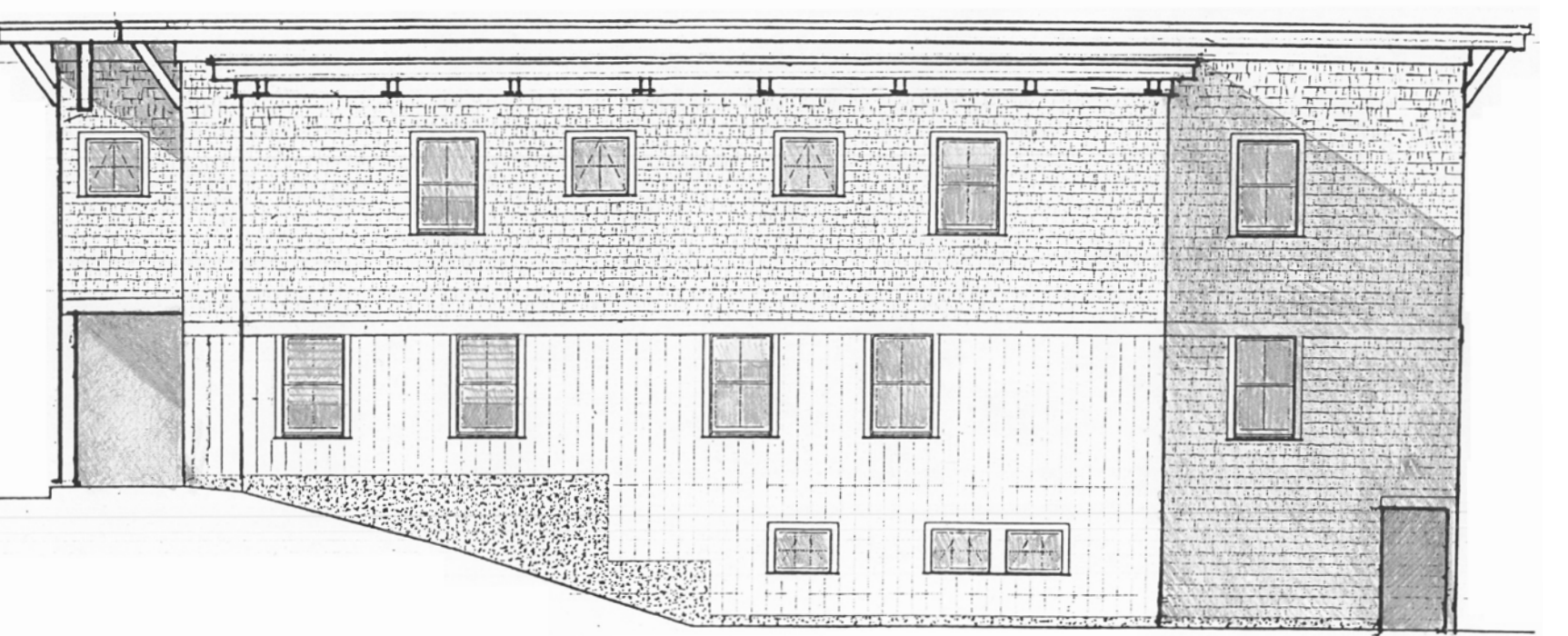
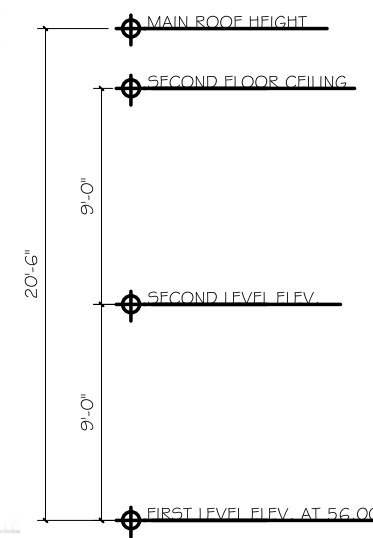
1 FRONT ELEVATION
SCALE: 1/8" = 1'-0"



2 BACK ELEVATION
SCALE: 1/8" = 1'-0"



3 LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



4 RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0"

DATE:
09.04.20

BUILDING ELEVATIONS
CLOVERLEAF - BUILDING 21
CLOVERLEAF TRURO RENTAL HOUSING

SPRING HILL DESIGN
ARCHITECTURE INTERIORS SPACE PLANNING
158 Central Street, Somerville, MA, 02145 ~ 617.0702.4022

SCALE:
1/8" = 1'-0"

A2.1



CLOVERLEAF TRURO RENTAL HOUSING
BUILDINGS 9-11, 10-12, 17-19, AND 18-20
Truro, Massachusetts

Friday, September 4, 2020

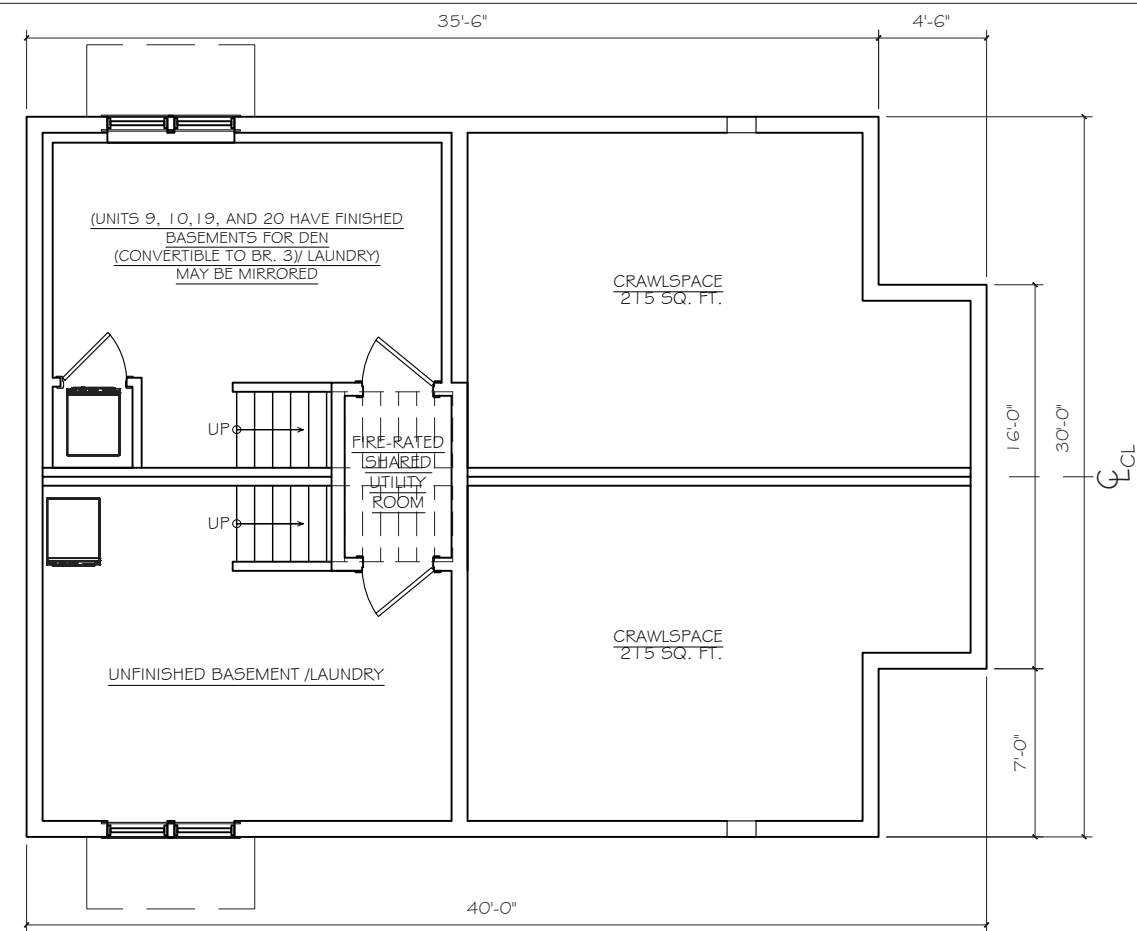
Spring Hill Design

INTERIORS

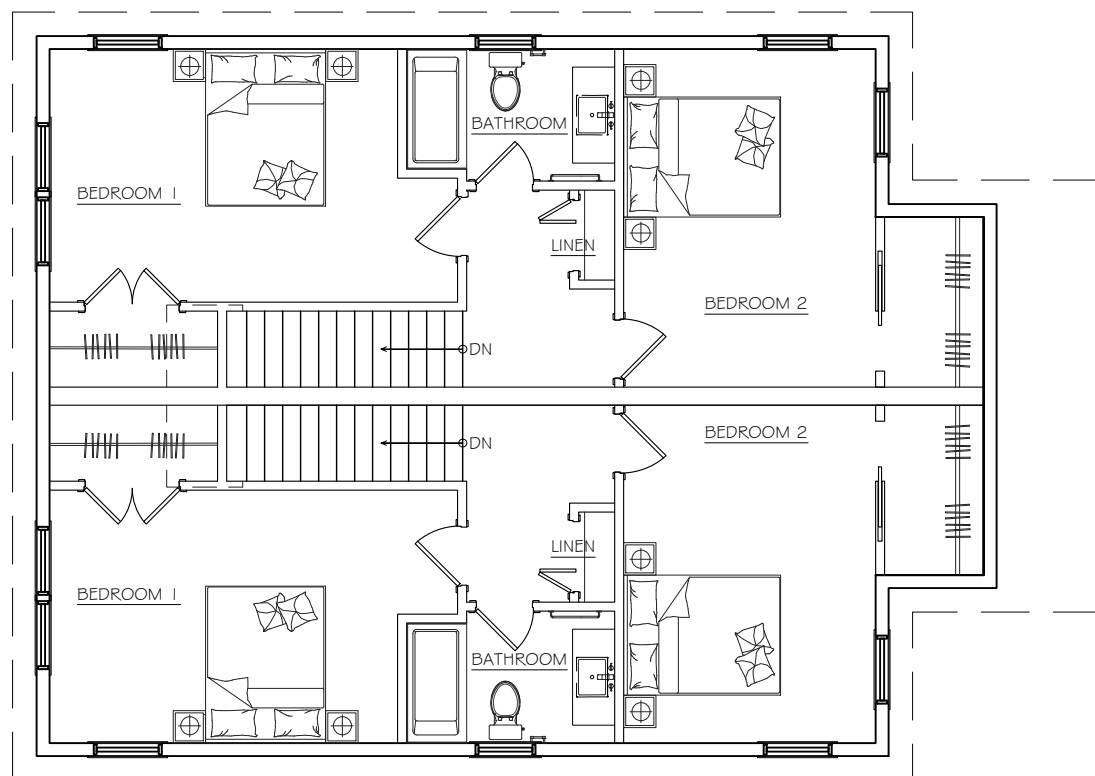
ARCHITECTURE

SPACE PLANNING

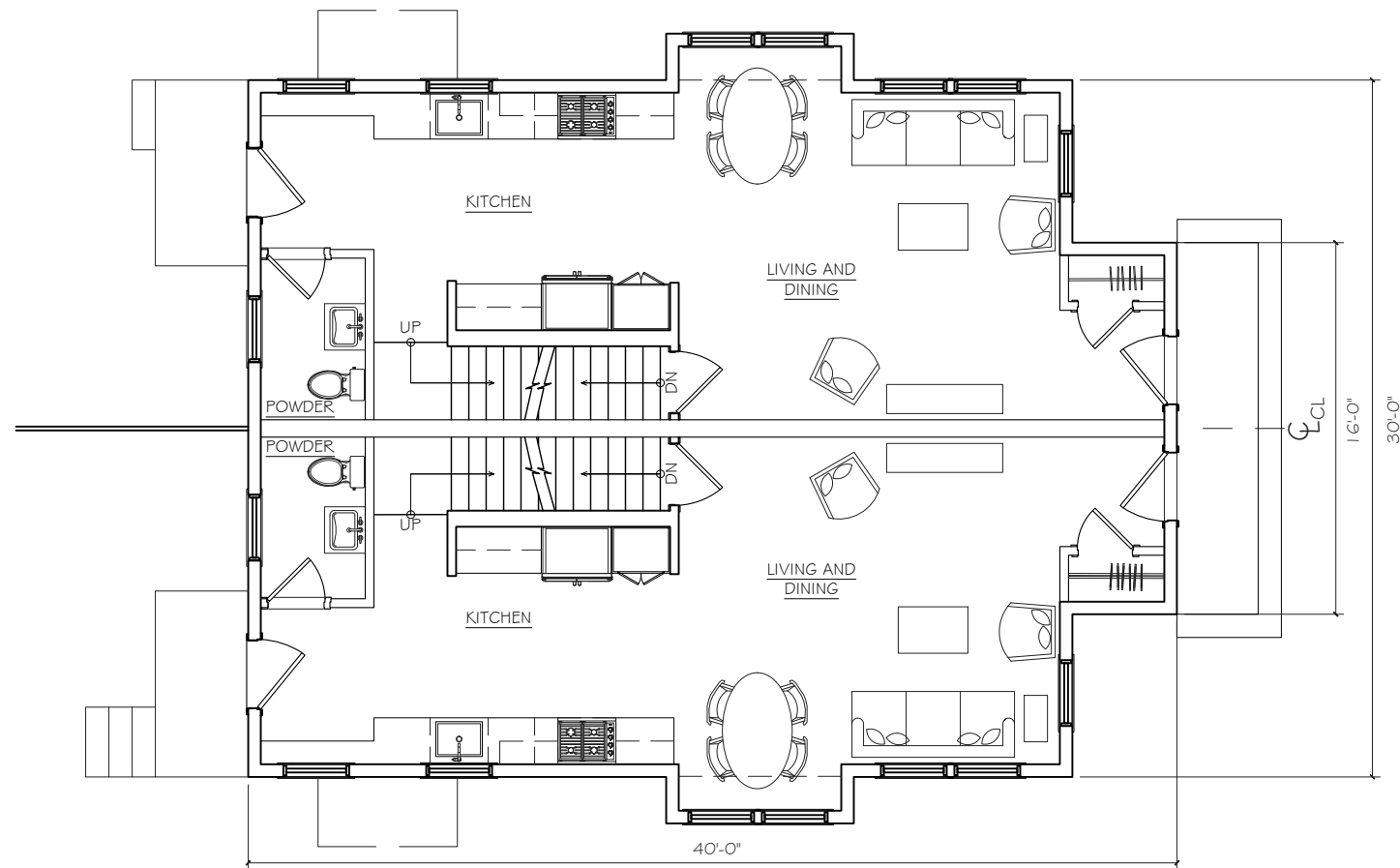
158 Central Street, Somerville, MA, 02145 ~ 617.6702.4622



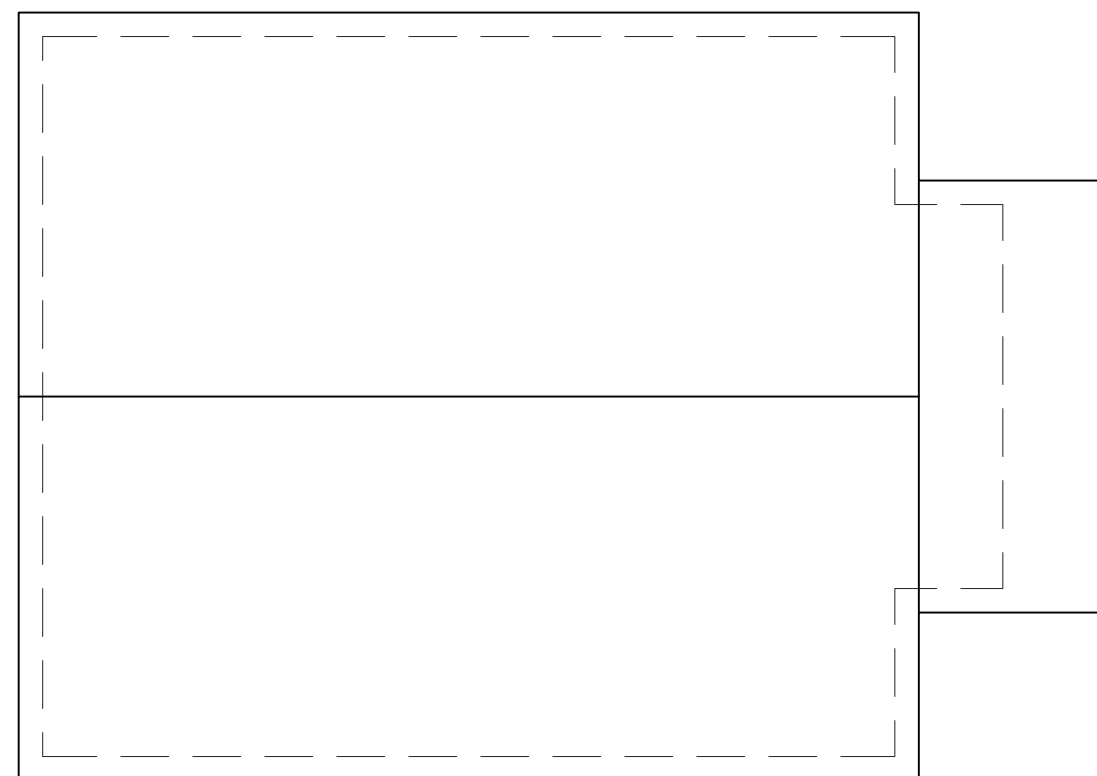
1 BASEMENT PLAN
SCALE: 1/8" = 1'-0"



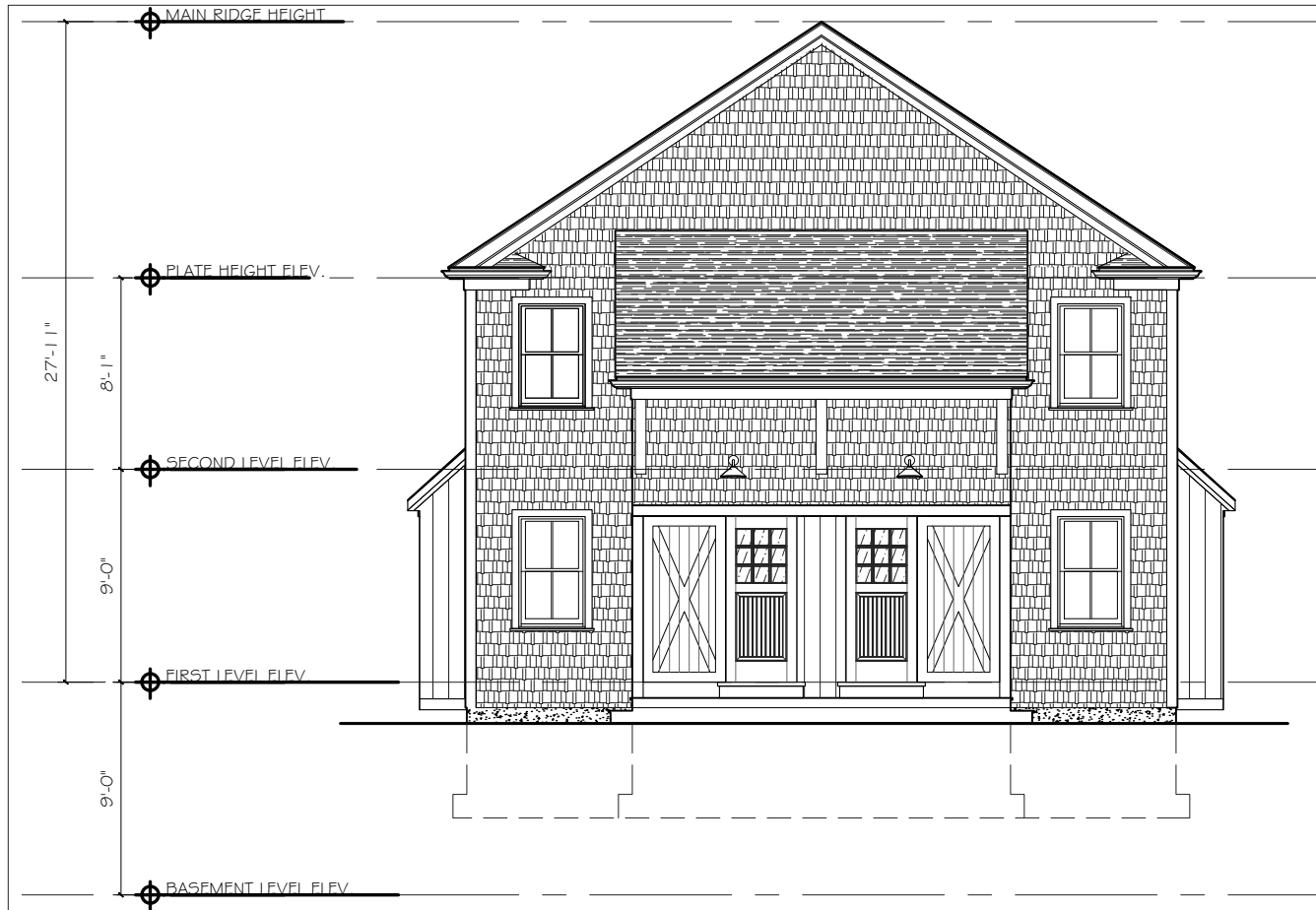
3 SECOND LEVEL PLAN
SCALE: 1/8" = 1'-0"



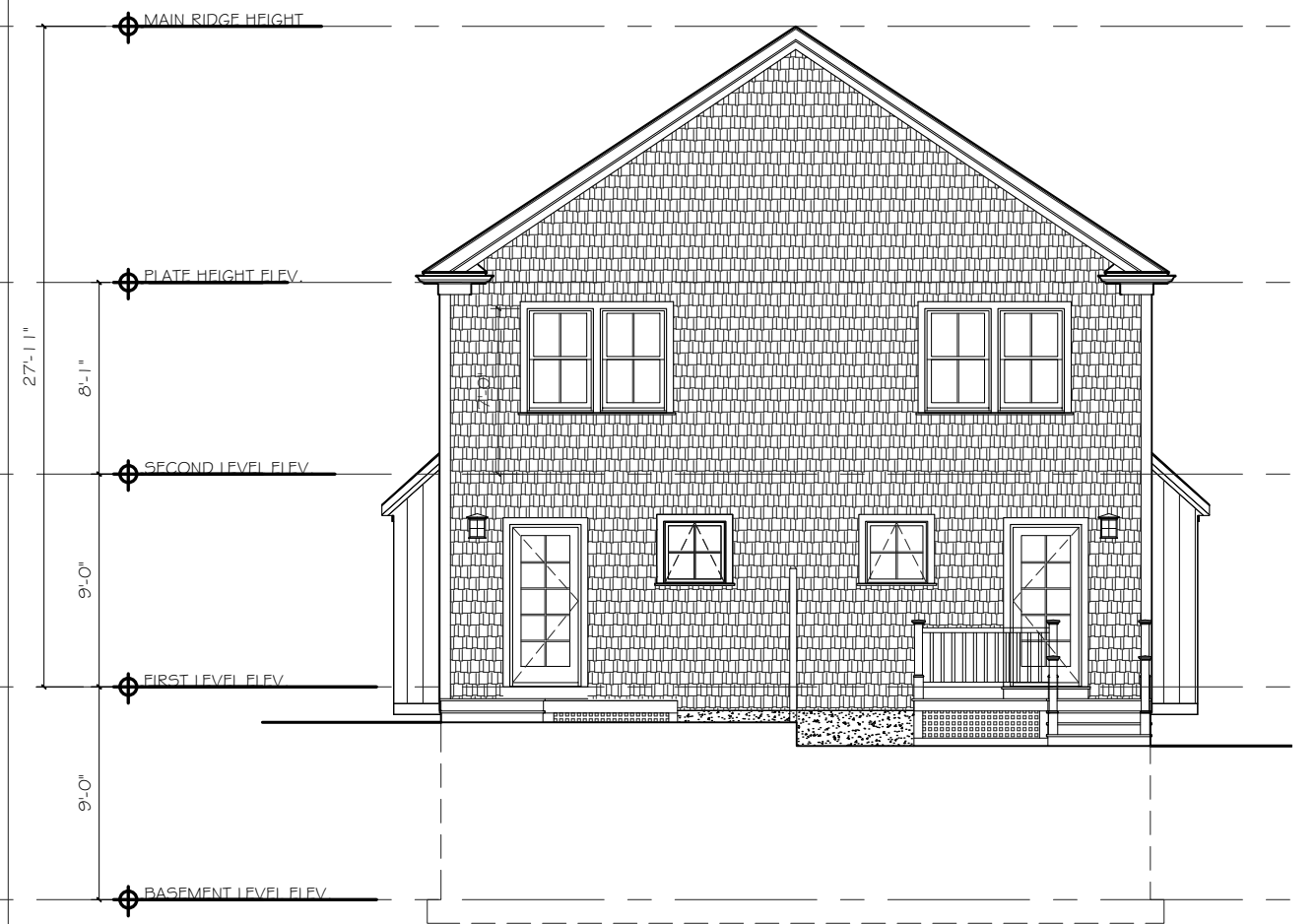
2 FIRST LEVEL PLAN
SCALE: 1/8" = 1'-0"



2 ROOF PLAN
SCALE: 1/8" = 1'-0"



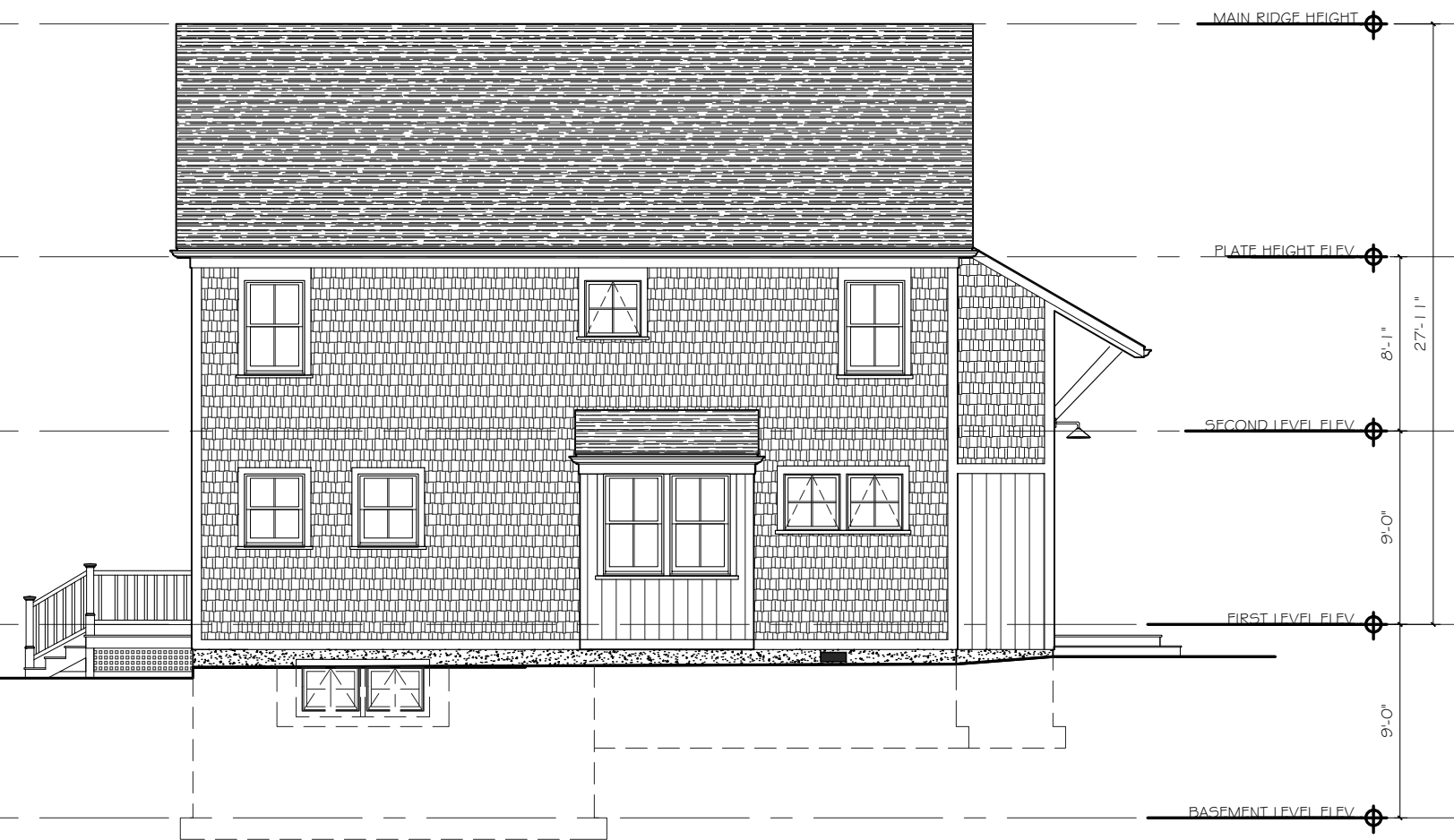
① FRONT ELEVATION
SCALE: 1/8" = 1'-0"



③ BACK ELEVATION
SCALE: 1/8" = 1'-0"



② SIDE ELEVATION 1 (SIDE MAY BE MIRRORED DEPENDING ON THE BUILDING)
SCALE: 1/8" = 1'-0"



④ SIDE ELEVATION 2 (SIDE MAY BE MIRRORED DEPENDING ON THE BUILDING)
SCALE: 1/8" = 1'-0"

ELEVATIONS

CLOVERLEAF BUILDINGS 9-11, 10-12, 17-19, AND 18-20
CLOVERLEAF TRURO RENTAL HOUSING

SPRING HILL DESIGN
ARCHITECTURE INTERIORS SPACE PLANNING
138 Central Street, Somerville, MA, 02145 ~ 617.6702.4622

1/8" = 1'-0"

A2.1

DATE:
09.04.20



CLOVERLEAF TRURO RENTAL HOUSING BUILDING 5-7

Truro, Massachusetts

Friday, September 4, 2020

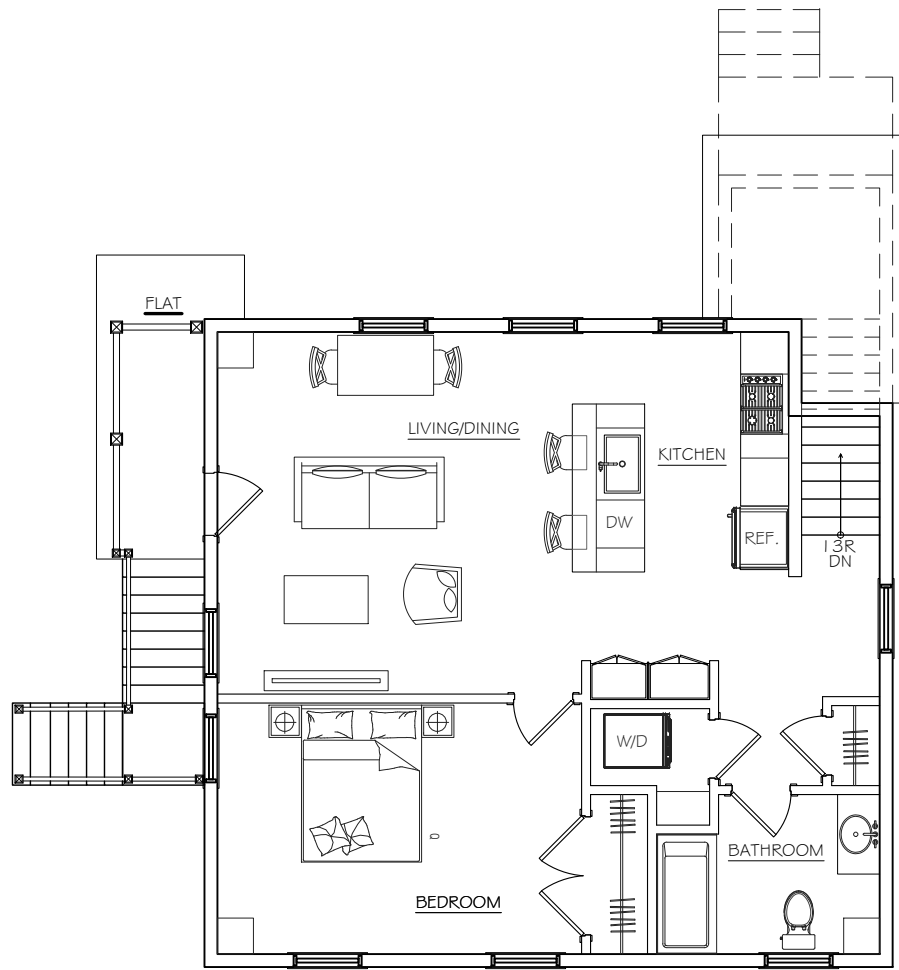
Spring Hill Design

INTERIORS

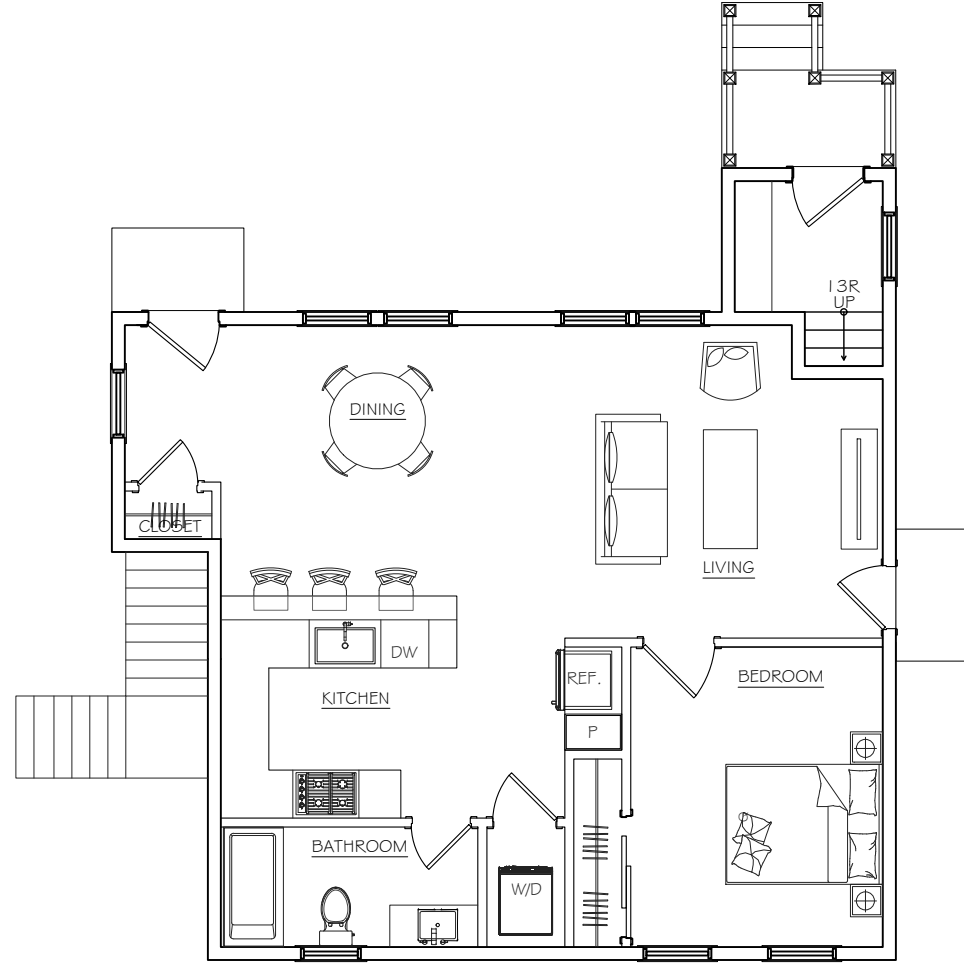
ARCHITECTURE

SPACE PLANNING

158 Central Street, Somerville, MA, 02145 ~ 617.6702.4622



1 UNIT 5 FLOOR PLAN
SCALE: 1/8" = 1'-0"



2 UNIT 7 FLOOR PLAN
SCALE: 1/8" = 1'-0"

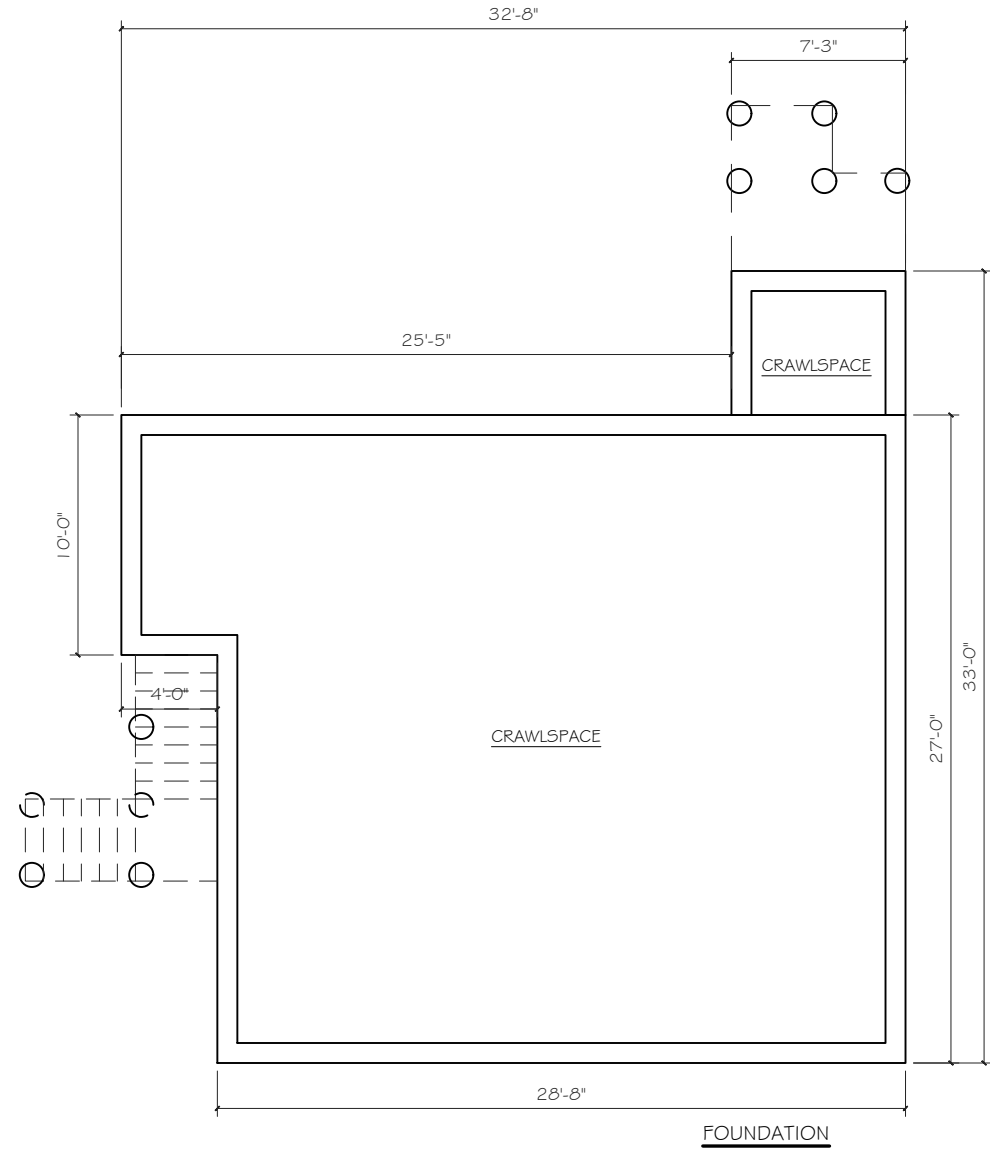
DATE:
09.04.20

UNITS 5 AND UNIT 7 FLOOR PLANS
CLOVERLEAF BUILDING 5-7
CLOVERLEAF TRURO RENTAL HOUSING

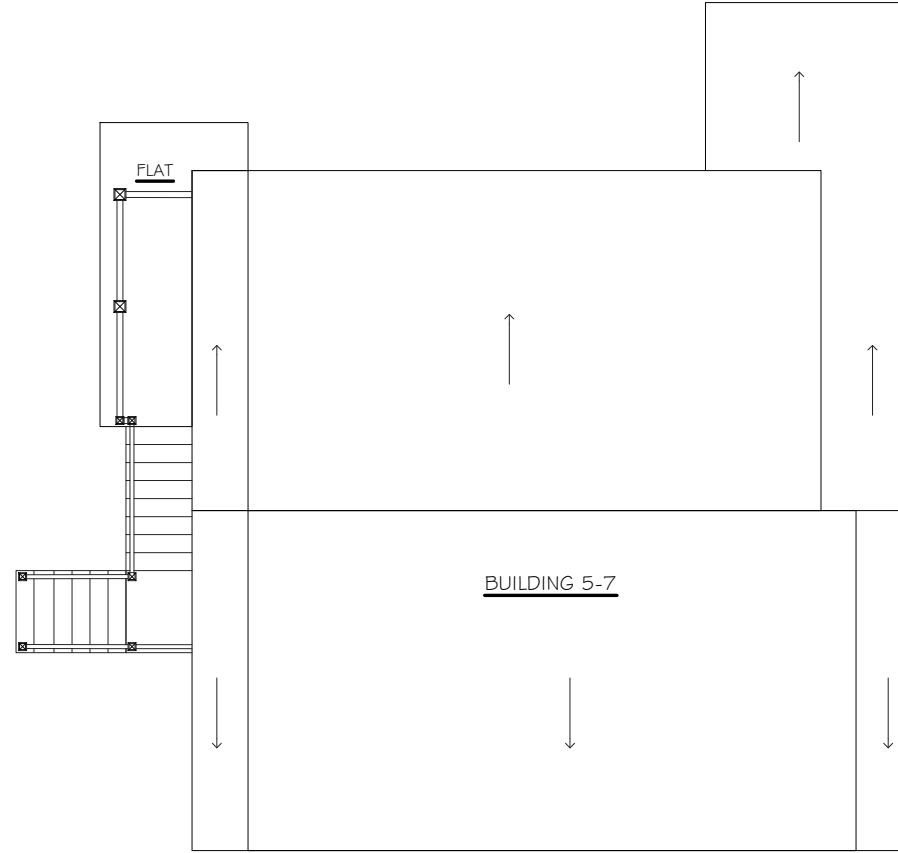
SPRING HILL DESIGN
ARCHITECTURE INTERIORS SPACE PLANNING
138 Central Street, Somerville, MA, 02145 ~ 617.6702.4622

1/8" = 1'-0"

A1.1



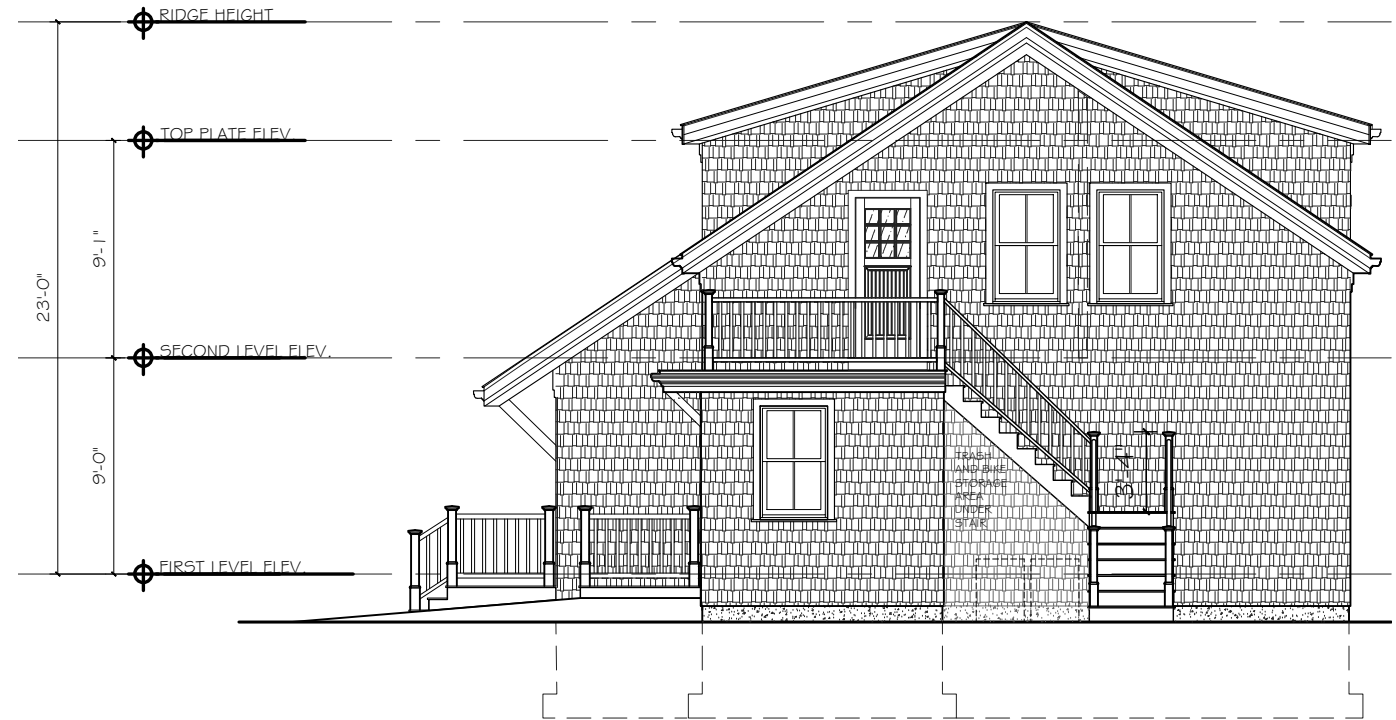
1 FOUNDATION PLAN
SCALE: 1/8" = 1'-0"



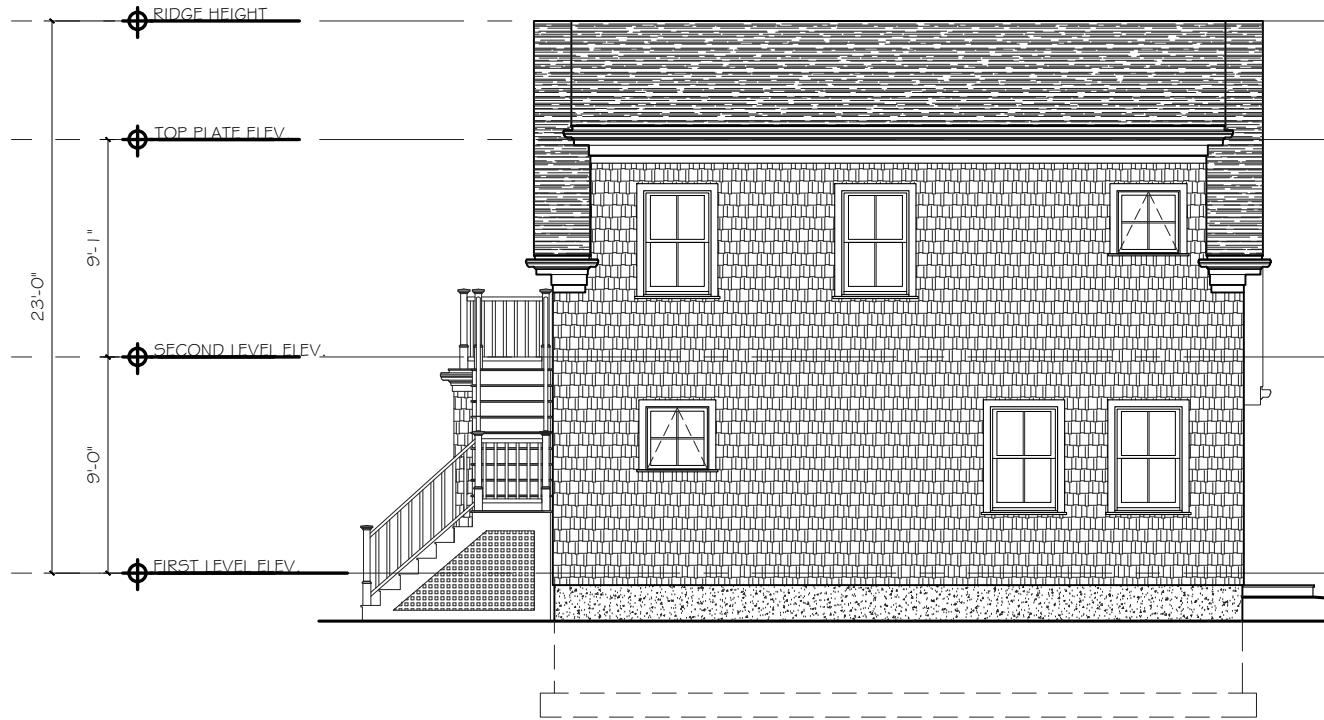
2 BUILDING 5-7 ROOF PLAN
SCALE: 1/8" = 1'-0"



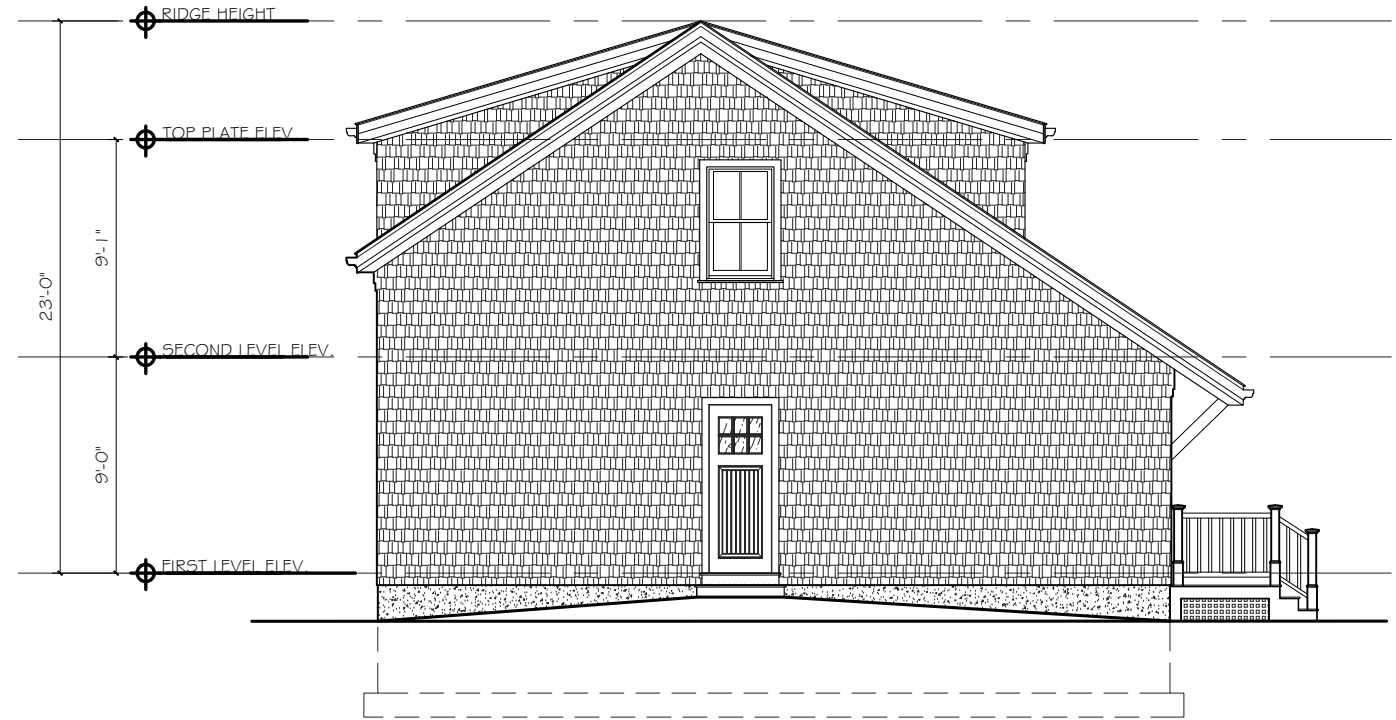
1 FRONT ELEVATION
SCALE: 1/8" = 1'-0"



2 RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



3 BACK ELEVATION
SCALE: 1/8" = 1'-0"



4 LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



CLOVERLEAF TRURO RENTAL HOUSING BUILDINGS 13-15 AND 14-16

Truro, Massachusetts

Friday, September 4, 2020

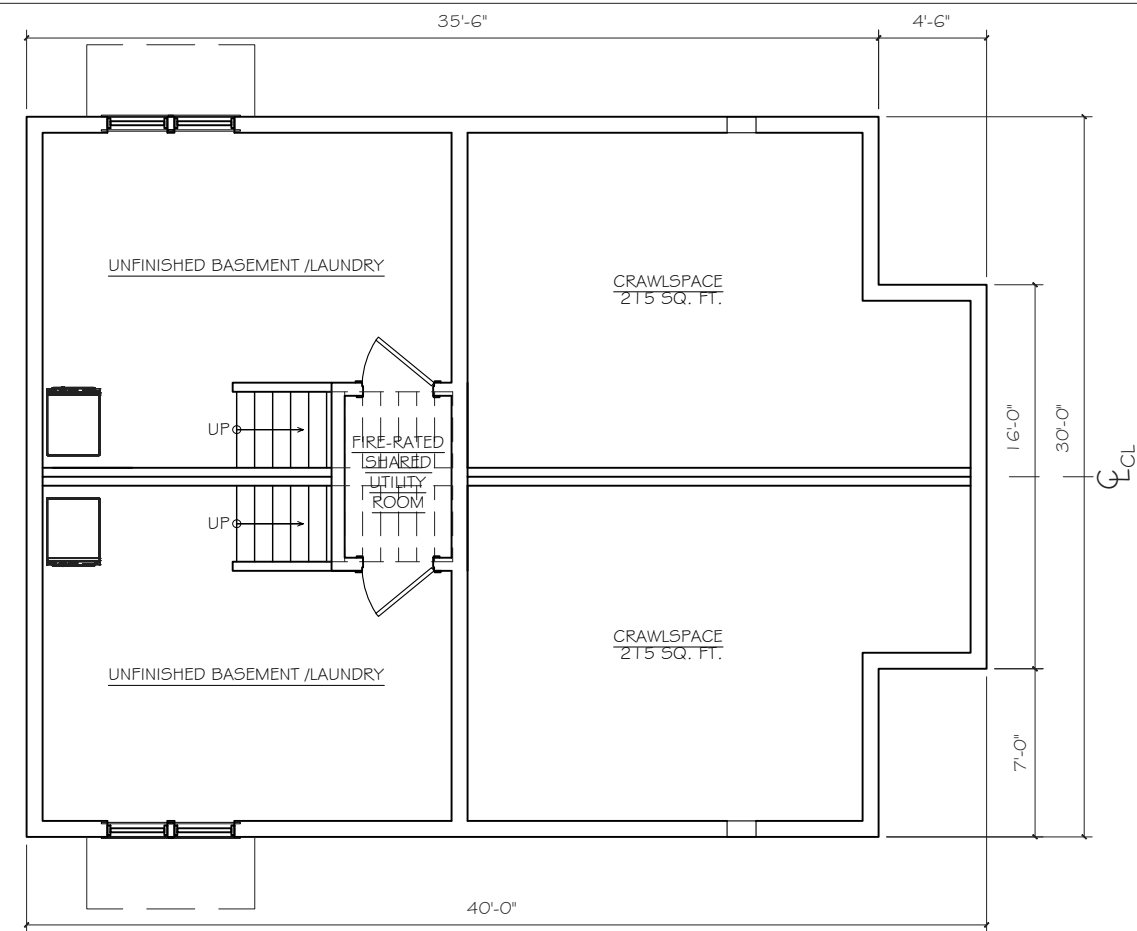
Spring Hill Design

INTERIORS

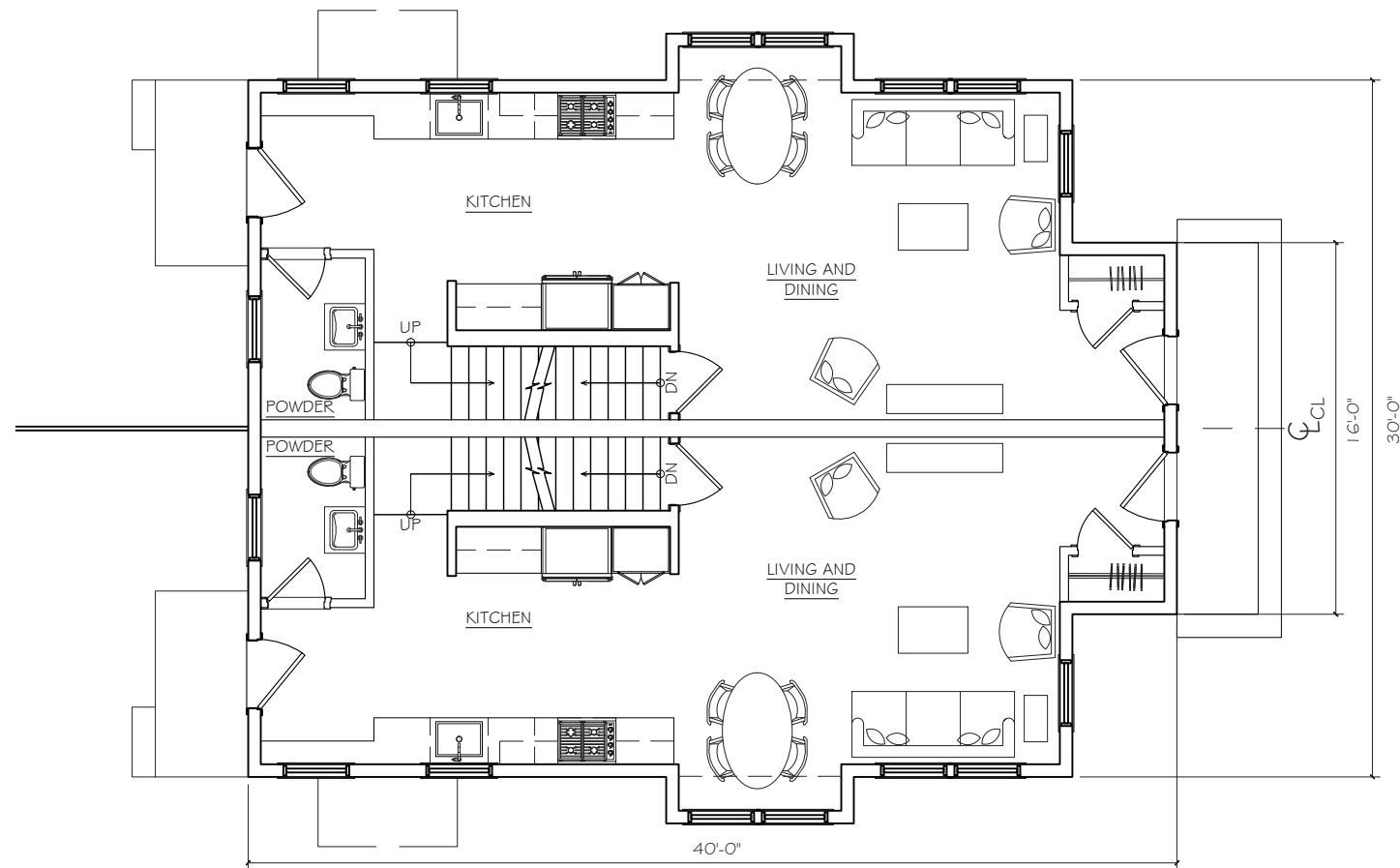
ARCHITECTURE

SPACE PLANNING

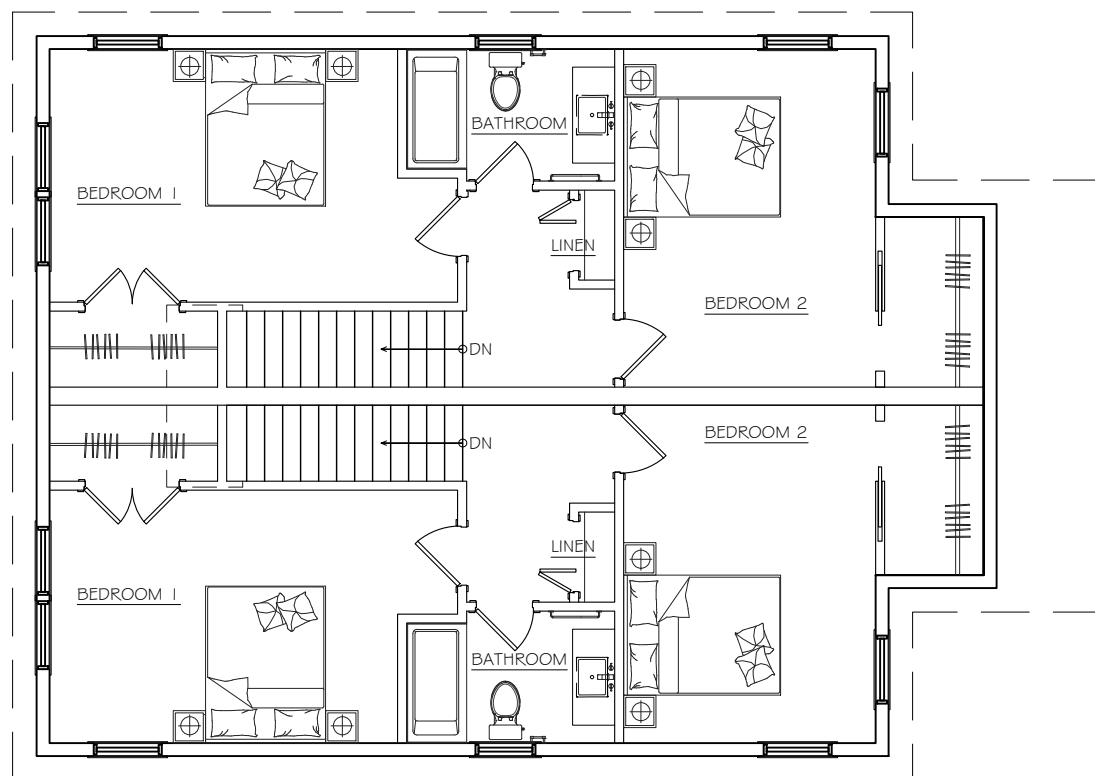
158 Central Street, Somerville, MA, 02145 ~ 617.6702.4622



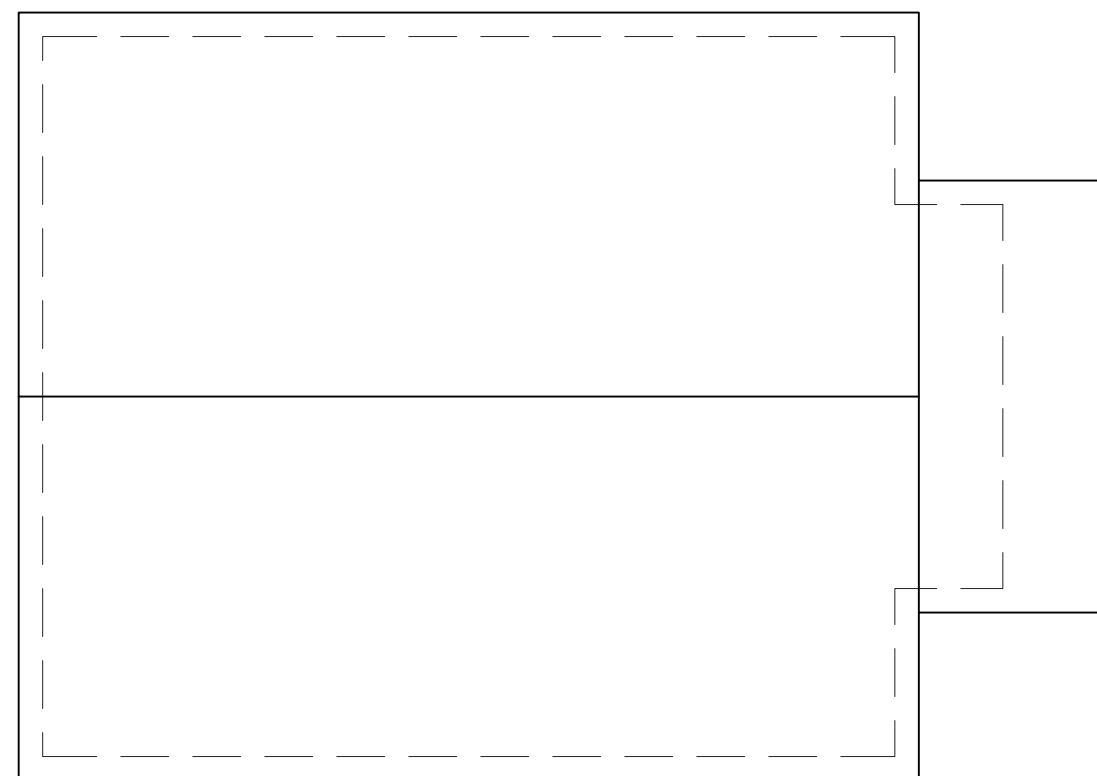
1 BASEMENT PLAN
SCALE: 1/8" = 1'-0"



2 FIRST LEVEL PLAN
SCALE: 1/8" = 1'-0"



3 SECOND LEVEL PLAN
SCALE: 1/8" = 1'-0"



2 ROOF PLAN
SCALE: 1/8" = 1'-0"

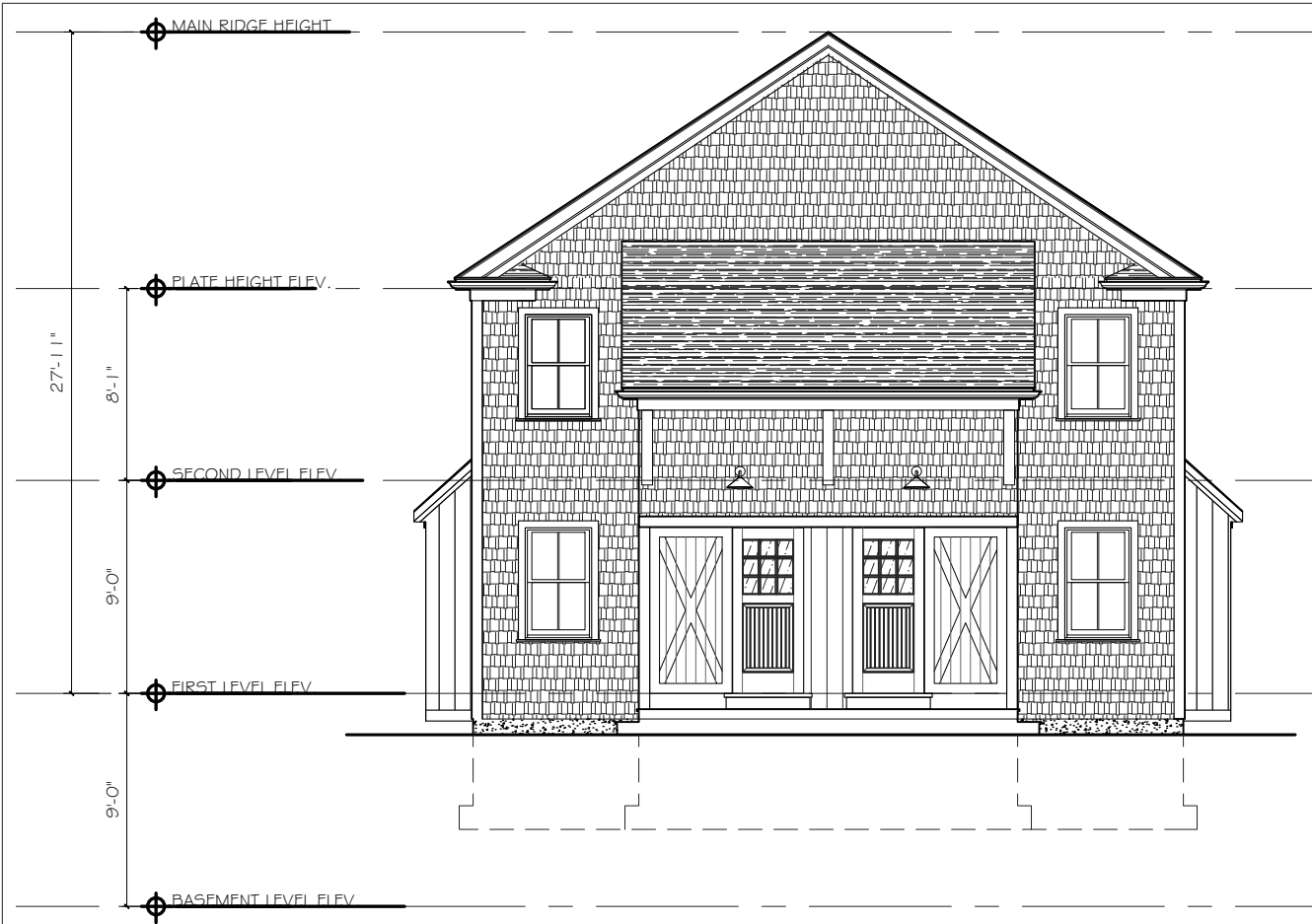
DATE:
09.04.20

FLOOR PLANS
CLOVERLEAF BUILDINGS 13-15 AND 14-16
CLOVERLEAF TRURO RENTAL HOUSING

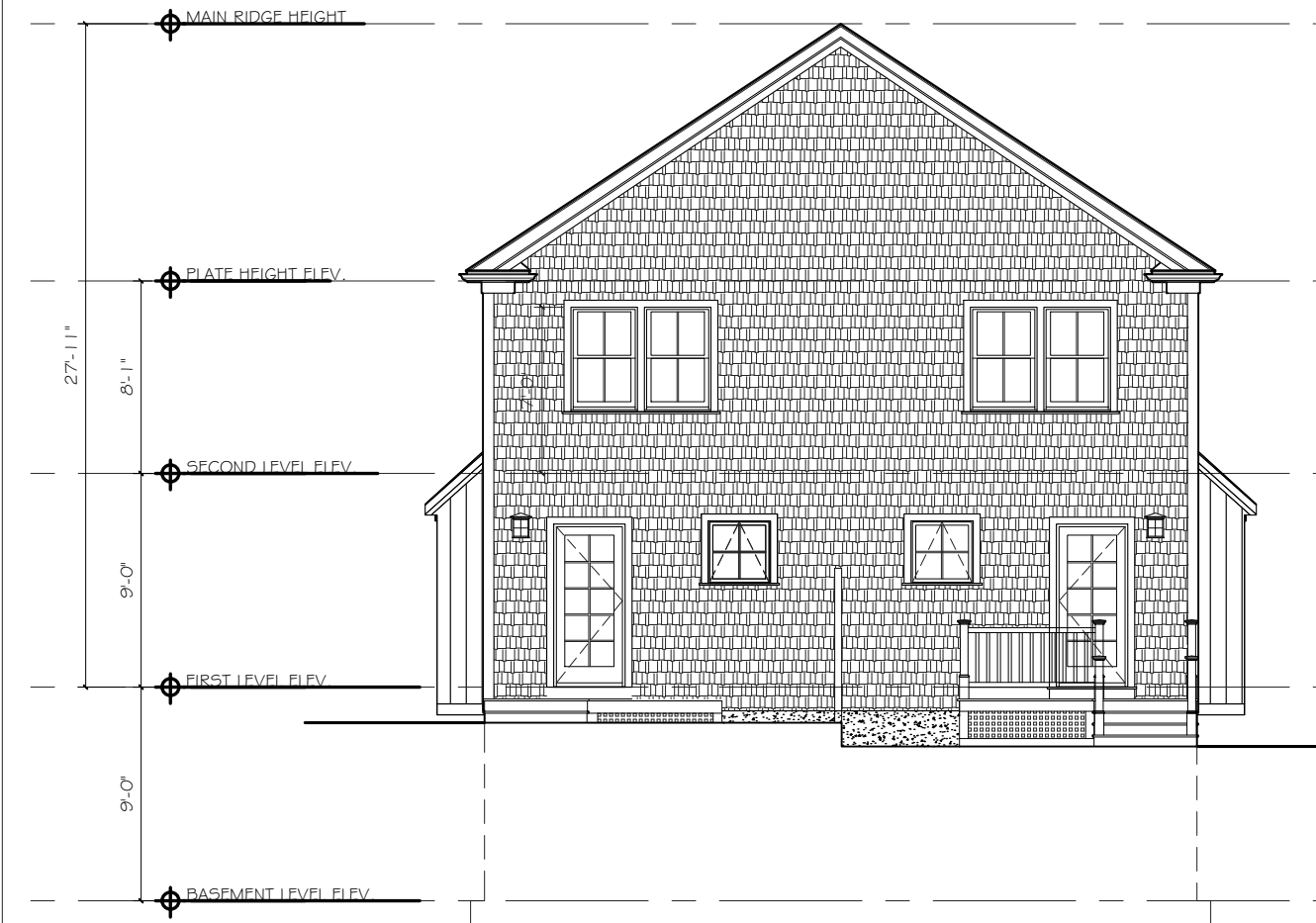
SPRING HILL DESIGN
ARCHITECTURE INTERIORS SPACE PLANNING
138 Central Street, Somerville, MA, 02145 ~ 617.6702.4622

1/8" = 1'-0"

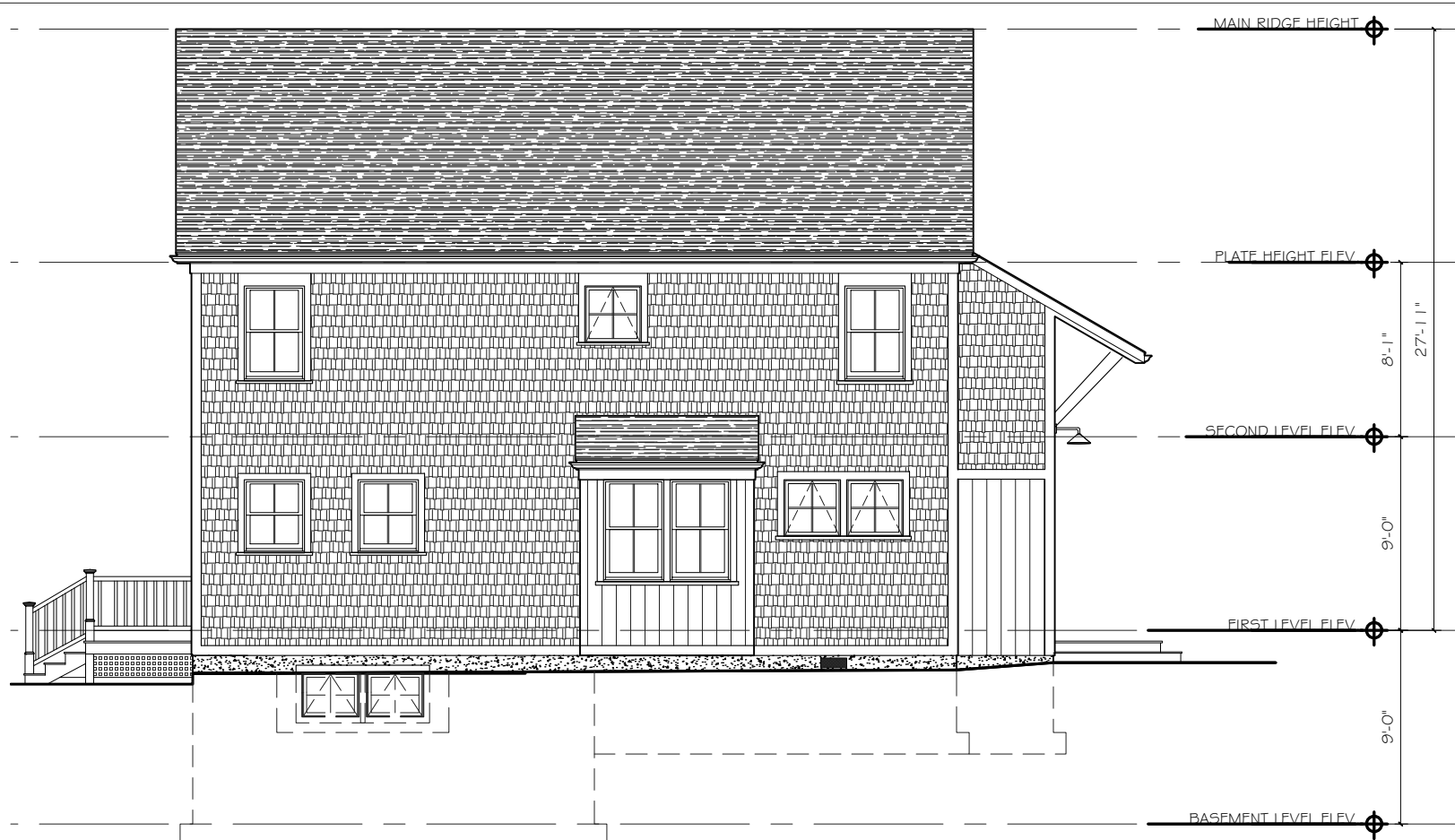
A1.0



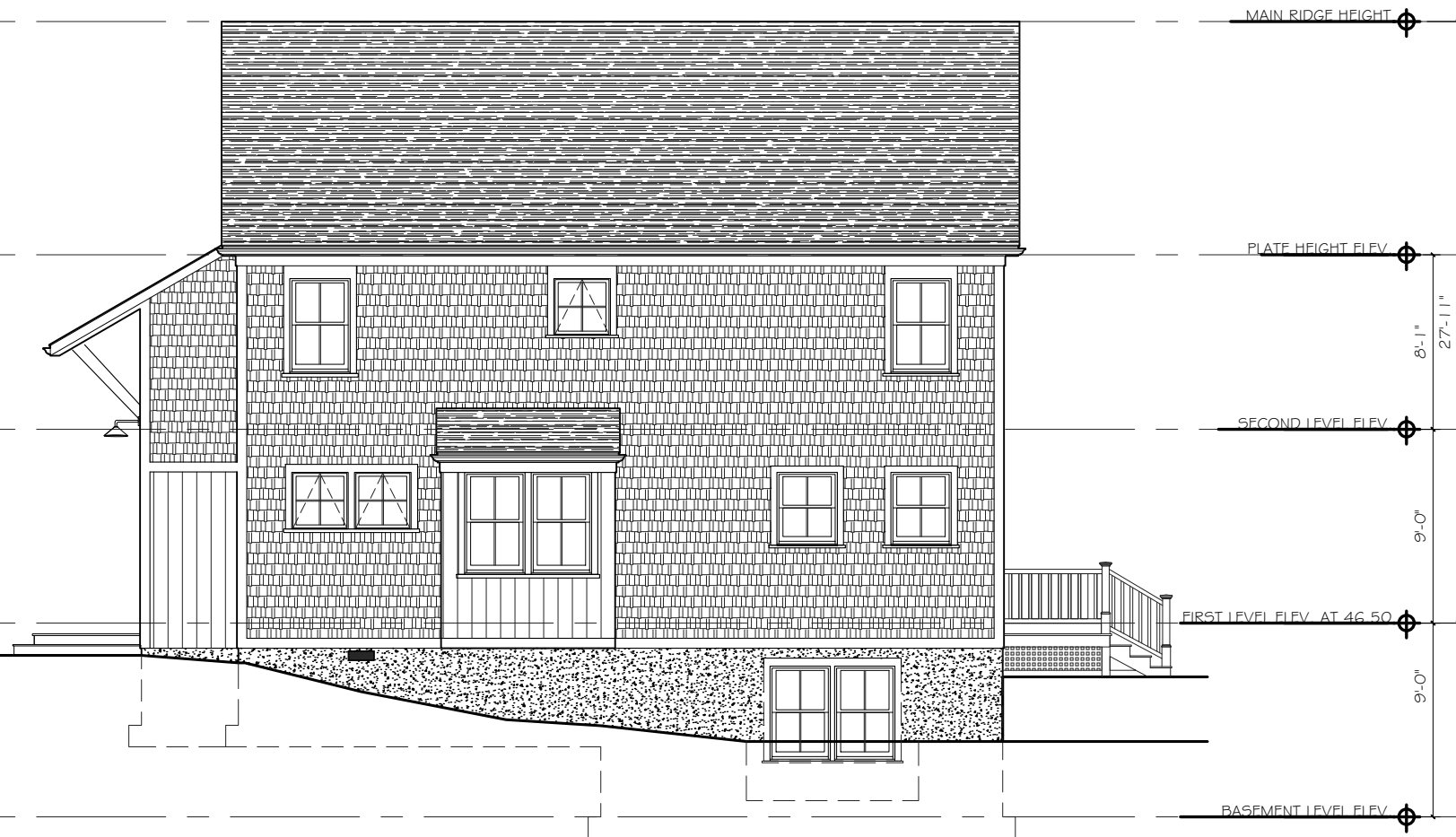
① FRONT ELEVATION
SCALE: 1/8" = 1'-0"



③ BACK ELEVATION
SCALE: 1/8" = 1'-0"



② SIDE ELEVATION 1 (SIDE MAY BE MIRRORED DEPENDING ON THE BUILDING)
SCALE: 1/8" = 1'-0"



④ SIDE ELEVATION 2 (SIDE MAY BE MIRRORED DEPENDING ON THE BUILDING)
SCALE: 1/8" = 1'-0"

DATE:
09.04.20

ELEVATIONS
CLOVERLEAF BUILDINGS 13-15 AND 14-16
CLOVERLEAF TRURO RENTAL HOUSING

SPRING HILL DESIGN
ARCHITECTURE INTERIORS SPACE PLANNING
138 Central Street, Somerville, MA, 02145 ~ 617.6702.4622

1/8" = 1'-0"

A2.1

Cloverleaf Truro Rental Housing Property Management Plan

Ownership and Objectives

The Owner of the property is CHR Cloverleaf Limited Partnership (LP), a duly organized Limited Partnership of the Commonwealth of Massachusetts. Edward “Ted” Malone is the Managing Member of Cloverleaf GP LLC, a Limited Liability Company serving as the General Partner of the Limited Partnership. The owner’s objective is to provide quality affordable rental housing, operated in accordance with the requirements of all applicable affordable housing funding sources and in a manner consistent with fair housing laws. The property will be operated in a manner that is respectful of the rights of residents combined with an expectation that residents share the responsibility to create and maintain a stable community at the property. To ensure meaningful participation of residents in property maintenance and property management, a resident association will be encouraged. Also, essential to effective property management will be the participation of residents in property maintenance as responsible individuals and acting together through the resident association.

Development of the property is financed with resources that will allow rents to remain affordable over the long term. The property is subject to an affordable housing restriction to insure its use as affordable rental housing in perpetuity. Consistent with the objective of preserving long term affordability, adequate replacement reserves will be set aside and managed to ensure that resources are available in the future to replace building components that have reached the end of their useful life.

Community Housing Resource, Inc. (CHR), a private company owned and operated by Edward “Ted” Malone, is the Management Agent for the property. Certain functions of property management may be contracted-out by CHR with responsibilities clearly defined in this document and in the property management agreement. As of August 2020, CHR is continuing of negotiations for a collaboration with the Lower Cape Community Development Partnership to expand Property Management Capacity available to Lower Cape Cod communities for both existing rental properties and future developments in the region. With the hiring of an executive level director of the property management division at the CDP, and through the absorption of CHR Property Management staff and property maintenance staff, the CDP will ensure the long term capacity for effective property management will be part of the non-profit organization’s mission serving the needs of the Lower Cape Cod region.

Roles and Responsibilities

The management team includes the Owner and CHR/CDP, the Property Management Agent. The Owner makes property management decisions within policy guidelines established in this management plan and the property management agreement for the property. From time to time the resident association will be consulted for input into policies and procedures for property management and maintenance issues.

As Managing Member of the General Partner of the Ownership entity, in an asset management role, Edward “Ted” Malone, will oversee all property management functions including marketing, income certification, financial management, rent management, property maintenance and repair, payments to vendors and sub contractors, and resident and community relations.

CHR/CDP, the property management agent, will be responsible for day-to-day administration of these tasks:

1. Marketing. CHR/CDP will carry out marketing in accordance with resident selection and affirmative marketing plans approved by CHR Cloverleaf LP, by the Massachusetts Department of Housing and Community Development (DHCD), other funding organizations, and in compliance with federal, state and local requirements.
2. Rentals. CHR/CDP will offer for rent and will rent the dwelling units at Cloverleaf, Truro, “the Property”, to eligible tenants. Incident thereto, the following provisions will apply:
 - (a) CHR/CDP will make preparations for initial rent-up at least six (6) months prior to occupancy.
 - (b) CHR/CDP will set up and maintain a management office to service the Property, or make other arrangements acceptable to CHR Cloverleaf LP.
 - (c) CHR/CDP will follow the approved resident selection and affirmative marketing plans.
 - (d) CHR/CDP will show dwellings in the Project to prospective tenants.
 - (e) CHR/CDP will take and process applications for rentals during normal business hours and at other times as may be required by CHR Cloverleaf LP. At all times, if an application is rejected, the applicant will be notified in writing of the status of their application including the opportunity to request in writing more detail about the reason for rejection. All rejected applications, with the reason for rejection noted thereon, will be kept on file for one (1) year. A current list of prospective tenants will be maintained by date of application in accordance with any priorities required by the Project Documents.
 - (f) CHR/CDP will lease dwellings in the Project so as to assure full occupancy.
 - (g) CHR/CDP will prepare all dwelling leases and will execute the same in its name, identifying itself thereon as CHR/CDP for CHR Cloverleaf LP. Dwelling leases will be in a form approved by CHR Cloverleaf LP but individual leases need not be submitted for the approval of CHR Cloverleaf LP provided that in no event will rents and other charges exceed those permitted by the Project Documents and the Regulations.
 - (h) CHR/CDP will counsel all prospective tenants regarding eligibility for dwellings, and will prepare and verify eligibility certifications in accordance with the Project Documents and the Regulations.
 - (i) CHR/CDP will maintain and submit financial records and accounts of the operation of the Project in accordance with the requirements of CHR Cloverleaf LP. Financial records shall be available to CHR Cloverleaf LP at all times.
3. Collection of Rents and Security Deposits.
 - (a) CHR/CDP will act in a fiduciary capacity with respect to CHR Cloverleaf LP's assets and will collect and deposit rents and other charges which may become due at any time from any tenant in accordance with the terms of each tenant's lease. All funds collected by CHR/CDP shall be deposited promptly in a bank account in an institution whose deposits are insured by an agency of the United States of America. This account shall be used by CHR/CDP exclusively for funds of the Project, shall be referred to herein as the Rental Agency Account and shall be titled CHR Cloverleaf LP Operations.



- (b) CHR/CDP will collect and deposit security deposits in accordance with the terms of each tenant's lease. All funds collected by CHR/CDP shall be deposited promptly in a master interest bearing escrow account insured by an agency of the United States of America in accordance with the laws of The Commonwealth of Massachusetts. This account shall be used by CHR/CDP exclusively for security deposits of the Project, shall be referred to herein as the Security Deposit Account.

4. Enforcement of Leases.

CHR/CDP will secure full compliance of each tenant with the terms of his or her lease. Compliance will be emphasized and CHR/CDP, utilizing the contracted Resident Services Provider, will counsel tenants and make referrals to community agencies in cases of financial hardship or other circumstances deemed appropriate by CHR/CDP, to the end that involuntary termination of tenancies may be avoided to the maximum extent consistent with the sound management of the Project. Nevertheless, CHR/CDP will lawfully terminate any tenancy when, in CHR/CDP's judgment, sufficient cause (including, but not limited to, nonpayment of rent) for such termination occurs under the terms of the tenant's lease. For this purpose, CHR/CDP is authorized to consult with legal counsel of its choice to bring actions for evictions in the name of CHR Cloverleaf LP and to execute notices to vacate and judicial pleadings incident to such actions. Reasonable attorney's fees and other necessary costs incurred in connection with such actions will be paid out of the Rental Agency Account as Project expenses. Notwithstanding anything herein to the contrary, CHR/CDP shall have the power to terminate and accept termination of tenancies; settle, compromise and release claims against tenants; reinstate leases; give consents provided for in leases; and take all required action to evict tenants when necessary.

5. Maintenance and Repair.

CHR/CDP will cause the Project to be maintained and repaired in an efficient manner and in accordance with state and local codes, in a condition at all times acceptable to CHR Cloverleaf LP, including but not limited to cleaning, painting, decorating, plumbing, carpentry, grounds care and such other maintenance and repair work as necessary. Incident thereto, the following provisions apply:

- (a) Special attention will be given to preventative maintenance. The CHR/CDP Property Maintenance Manager will create and implement a Preventative Maintenance Plan for this property.
- (b) CHR/CDP will contract with qualified independent contractors for extraordinary repairs beyond the capability of CHR/CDP. CHR/CDP shall not enter into any contract that requires annual payments in excess of \$1,000 without the prior written consent of CHR Cloverleaf LP. All service contracts shall: (a) be in the name of CHR Cloverleaf LP, (b) be assignable, at CHR Cloverleaf LP's sole option, to CHR Cloverleaf LP's nominee, (c) include a provision for cancellation thereof by CHR Cloverleaf LP without payment of any fee, upon not more than 30 days' notice, (d) require all contractors to provide evidence of insurance satisfactory to CHR Cloverleaf LP, (e) contain exculpation and indemnification provisions satisfactory to CHR Cloverleaf LP and (f) comply with the limits set forth in the budget approved by CHR Cloverleaf LP.

- (c) CHR/CDP is authorized to purchase all materials, equipment, tools, appliances, supplies and services necessary for proper maintenance and repair subject to the limits set forth in the budget approved by CHR Cloverleaf LP.
- (d) Notwithstanding any of the foregoing provisions, the prior approval of CHR Cloverleaf LP. will be required for any expenditure which exceeds \$1,000 in any one instance, for labor, materials or otherwise in connection with the maintenance and repair of the Project; except for recurring expenses within the limits of the operating budget or for emergency repairs involving manifest danger to persons or property or required to avoid suspension of any necessary service to the Project. In the latter event, CHR/CDP will inform CHR Cloverleaf LP of the facts as promptly as possible.
- (e) CHR/CDP shall take such action as may be necessary to comply promptly with any and all orders or requirements affecting the Project, placed thereon by any federal, state, county or municipal authority having jurisdiction there over, as well as requirements of the Board of Fire Underwriters or other similar bodies; CHR/CDP is nonetheless subject to the same limitation contained in paragraph (d) of this Section in connection with the making of repairs and alterations. CHR/CDP shall not take any action under this paragraph (e) so long as CHR Cloverleaf LP is contesting, or has affirmed its intention to contest, any such order or requirement.

6. Snow Plowing and Removal.

The Town of Truro will plow and sand the road when it determines it necessary for public safety. CHR/CDP will provide for driveway and parking areas plowing when 4" of snow has accumulated. Snow will be stockpiled in designated areas. When snow fall exceeds 1', CHR/CDP will contract a snow removal company to remove snow from property. Snow blower will also be in use to clear walkways and parking spaces. All areas cleared; driveway, parking and walkways will be de-iced. Tenants of townhouse units with individual driveway parking areas will be responsible for snow shoveling their parking and entry paths unless reasonable accommodation request has been made.

7. Utilities and Service.

On behalf of CHR Cloverleaf LP, CHR/CDP is authorized to make arrangements for water, electricity, propane gas, septic maintenance, and pest extermination. CHR/CDP is also authorized to make such contracts as may be necessary to secure utilities and services, on behalf of CHR Cloverleaf LP. A contract with a licensed operator for Operations of the Sewage Treatment facility will be in place with a monitoring and maintenance plan consistent with manufacturers guidance. The detailed maintenance plan for Sewage Treatment is a separate document.

8. Disbursements from Rental Agency Account.

- (a) CHR/CDP will make the following disbursements from the Rental Agency Account promptly when payable:
 - (i) Reimbursement to CHR/CDP for compensation payable to its subcontractors or to the employees specified in Section 18 below and for the taxes and assessments payable to local, state and federal governments in connection with the employment of such personnel.
 - (ii) The payments required to be made monthly by CHR Cloverleaf LP to the Lenders, including the amounts due to the Lenders for principal amortization, interest,

- mortgage insurance premiums, ground rents, taxes and assessments, insurance premiums and the amount required by any Lender for allocation to a replacement or operating reserve.
- (iii) All sums otherwise due and payable by CHR Cloverleaf LP, as expenses of the Project, authorized to be incurred by CHR/CDP under the terms of this Agreement, including compensation payable to CHR/CDP, for its services hereunder.
 - (iv) The amounts provided in the approved budget to be set aside for any replacement and operating reserves (the "Project Reserves").
- (b) Except for the disbursements described in Section 8(a)(i)-(iv) above, funds will be disbursed or transferred from the Rental Agency Account only as CHR Cloverleaf LP may from time to time direct in writing. Except as otherwise provided in this Agreement, all bookkeeping, clerical and other management overhead expenses (including but not limited to costs of office supplies and equipment, data processing services, postage, transportation for managerial personnel and telephone services) which are not specifically project expenses, will be borne by CHR/CDP out of its own funds and will not be treated as a Project expense.
- (c) In the event that the balance in the Rental Agency Account is at any time insufficient to pay disbursements due, CHR/CDP will within thirty (30) days inform CHR Cloverleaf LP of that fact, and CHR Cloverleaf LP will then either authorize a draw by CHR/CDP, on the Project Reserves or remit to CHR/CDP sufficient funds to cover the deficiency. In no event will CHR/CDP be required to use its funds to pay such disbursements.

9. Disbursements from Security Deposit Account.

- (a) From the funds collected and deposited by CHR/CDP in the Security Deposit Account, pursuant to Section 3(b) above, CHR/CDP will disburse to each tenant, on an annual basis, upon written request, an interest payment equal to the amount each tenant is entitled to receive pursuant to Massachusetts General Laws Chapter 186, §15B.
- (b) In accordance with the terms of each lease, upon termination of a lease CHR/CDP will reimburse the tenant the security deposit plus accrued, but unpaid interest minus any deductions determined by CHR/CDP to be payable for damages caused beyond normal wear and tear and consistent with currently accepted management practices, or for any outstanding rental payments under the lease.

10. Deposits to and from Project Reserve Accounts

- (a) CHR/CDP will deposit amounts to be set aside for Project Reserves (disbursed from the Rental Agency Account pursuant to Section 8(a) (iv) above) in interest-bearing accounts in an institution whose deposits are insured by an agency of the United States of America. These accounts shall be used by CHR/CDP exclusively for Project Reserves and shall be referred to herein as the Project Reserve Accounts.
- (b) CHR/CDP will make disbursements from the Project Reserve Accounts for the purposes permitted by the terms of the Project Documents and only after receiving the prior approval of CHR Cloverleaf LP and MHP and Equity Investor.



11. Budgets.

Annual operating budgets for the Project in the form of the initial operating budget attached hereto as Exhibit D shall be prepared by CHR/CDP and approved by CHR Cloverleaf LP and by the Lenders, if and to the extent required by the Project Documents; CHR/CDP shall use best efforts to see that each type of operating expense itemized in the budget will not exceed the annual amount authorized by the approved budget. In addition to preparation and submission of a recommended operating budget for the initial fiscal year, CHR/CDP will prepare a recommended operating budget for each subsequent fiscal year and will submit the same to CHR Cloverleaf LP at least seventy-five (75) days before the beginning of each new fiscal year. CHR Cloverleaf LP will promptly inform CHR/CDP of changes, if any, to be incorporated in the annual budget. CHR/CDP will keep CHR Cloverleaf LP informed from time to time of any anticipated deviation of actual receipts or disbursements from the receipts or disbursements shown in the approved budget.

12. Records and Reports.

In addition to any other requirements specified in this Agreement, CHR/CDP will have the following responsibilities with respect to records and reports:

- (a) CHR/CDP will establish and maintain a comprehensive system of records, books and accounts in a manner conforming to any directives of the Lenders and otherwise satisfactory to CHR Cloverleaf LP. The books, records and accounts shall be maintained in accordance with the accrual method of accounting prepared on an income tax basis. The books, records and accounts shall include information relating to the status of the Project (including complete tenant files, both current and historic, and a maintenance file for each dwelling unit in the Project). All records, books and accounts will be subject to examination at reasonable hours by authorized representatives of CHR Cloverleaf LP and the Lenders.
- (b) Within sixty (60) days following the end of each fiscal year of the Project, CHR Cloverleaf LP and, if required, the Equity Investors and Lenders shall be furnished with a draft of the federal tax return and a complete annual financial report for the Project based upon an examination of the books and records of CHR Cloverleaf LP and including (i) a report containing un-audited financial statements for the prior fiscal year, including a profit and loss statement, a balance sheet, a statement of member's equity, and a cash flow statement, (ii) an un-audited comparison of the actual results of the operations of the Project during the prior fiscal year with operating budget for such year, (iii) a report of the occupancy level of the Project, (iv) a statement indicating if there are any operating deficits or anticipated operating deficits, and if so, the manner in which it is anticipated such deficits will be funded, (v) a narrative explaining significant deviations in the operations of the Project from projected operations and outlining and explaining any material or significant occurrences affecting the Project or CHR Cloverleaf LP (vi) a report on use of MBEs in the operation of the project, and, (vii) any other information regarding the Project and its operations during the prior fiscal year reasonably requested by CHR Cloverleaf LP. The final completed reports shall be prepared and certified by CHR Cloverleaf LP's certified public accountant in accordance with the requirements of CHR Cloverleaf LP and any directives of the Lenders and in conformity with generally accepted accounting principles applied on a consistent



basis. The costs of preparing this report will be paid out of the Rental Agency Account as an expense of the Project.

- (c) Within thirty (30) days after the end of each quarter of each fiscal year, CHR Cloverleaf LP, and, if required, the Lenders will be furnished with a quarterly report for the quarter containing the following information: (i) un-audited income and expense statement for the Project, including a comparison with the operating budget and explanations of any significant deviations of actual operations from budgeted projected operations; (ii) un-audited rent roll for the Project showing rent collections, vacancies, physical occupancy; (iii) un-audited accounts payable and receivable aging report; (iv) statement of the amount of debt service and the debt service coverage (defined as the ratio of gross revenue less project expenses (other than debt service) to debt service); and (v) project data report setting forth the location of the Project, the number and mix of units, the types of support services and rental subsidies, if any, the amounts and types of Project Reserves and the compensation paid to CHR/CDP. At the end of the third quarter, an estimate of benefits and losses for the year and the projected operating budget for the coming year should be included.
- (d) By the fifteenth (15) day of each month, CHR/CDP will furnish CHR Cloverleaf LP with an un-audited rent roll for the Project showing rent collections, vacancies, physical occupancy, a statement of receipts and disbursements for the previous month, a schedule of accounts receivable and payable and reconciled bank statements for the Rental Agency Account, Security Deposit Account and the Project Reserve Accounts as of the end of the previous month.

13. Bids, Discounts, Rebates, Etc.

CHR/CDP will obtain contracts, materials, supplies, utilities and services on the most advantageous terms to the Project. CHR/CDP shall solicit bids in writing for all contractor services, materials, utilities or supplies with a projected annual cost greater than \$1,000 for those items that can be obtained from more than one source. CHR/CDP will secure and credit to the Project, and not receive or retain for itself, all discounts, rebates or commissions obtainable with respect to purchases, service contracts and all other transactions regarding the Project. CHR/CDP may contract with affiliates of CHR/CDP for the provision of goods and services to the Project, provided that the terms of any such contract are competitive with those obtainable from non-affiliated parties and are otherwise in compliance herewith.

12. Emergency Answering Service.

CHR/CDP will provide an emergency telephone and repair capability on a twenty-four hour basis.

13. Fidelity Bond.

CHR/CDP will be responsible for providing a fidelity bond which will cover all employees who will be handling or associated with the management of the Project. The fee for such bond shall be paid out of CHR/CDP's funds.

14. Insurance.



CHR/CDP shall recommend to CHR Cloverleaf LP the type of insurance to be carried with respect to the Project and its operations; and CHR/CDP, when authorized by CHR Cloverleaf LP in writing, shall cause such insurance to be placed and kept in effect at all times. CHR/CDP will maintain worker's compensation and similar insurance as required by law. CHR/CDP shall furnish CHR Cloverleaf LP with certificates evidencing insurance coverage, which shall provide that no policy shall be cancelled or altered without 30 days' prior written notice to CHR Cloverleaf LP insurance coverage must at all times be acceptable to the Lenders.

15. Compliance with Governmental Orders.

CHR/CDP will take such action as may be necessary to comply promptly with any and all governmental orders or other requirements affecting the Project, whether imposed by federal, state, county or municipal authority, subject, however, to the limitation stated in Section 5(d) with respect to repairs. CHR/CDP shall, however, take no such action so long as CHR Cloverleaf LP is contesting, or has affirmed its intention to contest, any such order or requirement. CHR/CDP will notify CHR Cloverleaf LP in writing, of all notices of such governmental orders or other requirements within seventy-two hours of the time of their receipt.

16. Compliance with Regulations, Contracts and Agreements.

Unless otherwise specifically directed by CHR Cloverleaf LP, CHR/CDP will be responsible for full compliance with the Regulations and with all contracts and agreements relating to the Project, including, without limitation, all Project Documents and leases affecting the Project including the conditions of the Comprehensive Permit issued under MGL Chapter 40B; provided, however, that such compliance will be an expense of the Project and CHR/CDP will not be required to make any payment from its own funds or incur any individual liability. CHR/CDP shall not knowingly permit the Project, or any portion thereof, to be used for any purpose that might void any policy of insurance relating to the Project or that might render any loss thereunder uncollectable.

17. Nondiscrimination.

In the performance of its obligations under this Agreement, CHR/CDP will comply with the provisions of any federal, state or local law prohibiting discrimination in housing on the grounds of race, color, creed, handicap, disability, marital status, familial status or national origin, including Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241) and all requirements imposed by or pursuant to that Title; regulations issued pursuant to Executive Order 11063 and Title VIII of the 1968 Civil Rights Act; the requirements of all Lenders regarding non-discrimination and equal opportunity in housing; and the provisions of the approved resident selection and affirmative marketing plans.

18. Employees.

The number, qualifications and duties of personnel to be employed in the management of the Project, including an on-site property manager, a resident superintendent or other maintenance, bookkeeping, management and clerical employees, will be determined by CHR Cloverleaf LP and CHR/CDP in accordance with the approved budget. All such employees will be deemed employees of CHR/CDP, not CHR Cloverleaf LP and will be hired, paid, supervised, promoted and discharged by CHR/CDP, subject to the following conditions:



- (a) The compensation (including payroll taxes and fringe benefits) of all employees will be within CHR/CDP's sole discretion, provided that minimum wage standards are met and further provided that such compensation is consistent with the approved budget.
- (b) CHR Cloverleaf LP will reimburse CHR/CDP for compensation (including fringe benefits) payable to all full time on-site personnel and for all local, state and federal taxes and assessments (including but not limited to Social Security taxes, unemployment insurance and workmen's compensation insurance) incident to the employment of such personnel. Such reimbursement will be paid out of the Rental Agency Account and will be treated as a Project expense
- (c) CHR/CDP will establish and follow an employment policy which affords residents of the Project maximum opportunities for employment in the management and operation of the Project and, to the extent consistent with that consideration, affords employment opportunities to lower income persons in the Project area. While personnel will be employed on the basis of ability, CHR/CDP will make a conscientious effort to hire qualified or qualifiable Project residents and members of minority groups and to provide special assistance and training when necessary to maximize their potential for successful employment.
- (d) CHR/CDP shall be engaged as an independent contractor and has only a limited agency as specifically set forth herein and CHR Cloverleaf LP shall have no liability with respect to employment arrangements entered into by CHR/CDP.
- (e) CHR/CDP shall fully comply with all applicable laws and regulations relating to workmen's compensation, social security, employment insurance, hours of labor, wages, working conditions, and other employer-employee related subjects.

19. Compliance with Section 3.

The Management Agent understands that the property was developed utilizing federal HOME resources, and acknowledges that Section 3 of the Housing and Urban Development Act of 1968 (Section 3), as amended by the Section 915 of the Housing and Community Development Act of 1992, requires that economic opportunities generated by HUD financial assistance for housing and community development programs be targeted toward low- and very low- income persons. These opportunities apply to job training, employment, contracting and sub-contracting and other economic opportunities arising from assistance provided for construction, reconstruction, conversion, or rehabilitation (including lead-based paint hazard reduction and abatement) of housing, other buildings, or improvements assisted with housing or community development assistance, including HOME.

20. Funding Considerations

This property has received financing from The Commonwealth of Massachusetts Department of Housing and Community Development ("DHCD") pursuant to the HOME Investment Partnerships Program (the "HOME Program"), the Housing Stabilization Trust Fund (the "HSF Program"), the Affordable Housing Trust Fund ("AHT Program"), and the Low Income Housing Tax Credit Program ("LIHTC Program"). The property has also received financing from Barnstable County HOME Consortium (BC HOME) and the Town of Truro Community Preservation Act (CPA) and Truro Affordable Housing Trust Fund (TAHTF) Programs. In

performing the services required hereunder, the Agent will comply with all applicable requirements of the HOME, HSF, AHTF, LIHTC, BC HOME, CPA, and TAHTF Programs, including without limitation (i) those requirements relating to the marketing and leasing of units as set forth in the Affordable Housing Restriction granted to DHCD in connection with this project, and (ii) all record-keeping and reporting requirements required by the Programs. The Owner and the Agent each agree to give written notice to DHCD of the termination or of any material amendment to this Agreement.

21. Tax Credit Training

CHR/CDP shall cause all individuals responsible for leasing and Tax Credit compliance to attend at least annually a one-day Tax Credit training seminar. The cost of such training may be treated as a Project expense, the first such seminar to be attended prior to the marketing or leasing by the CHR Cloverleaf LP of any unit in the project.

